AGENDA
BRADENTON PLANNING COMMISSION MEETING
2:00 p.m. Wednesday, May 21, 2025
101 OLD MAIN STREET, BRADENTON, FL 34205

1. MEETING CALLED TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MEETING MINUTES

a) Planning & Community Development: Planning Commission meeting minutes from April 16, 2025.
Meeting Minutes - April 16, 2025 (DRAFT).pdf

5. PUBLIC COMMENTS

Anyone wishing to address the Planning Commission on any non-agenda item should complete a comment slip and submit it to the Clerk.

6. AGENDA ITEMS

a) Planning & Community Development: **Resolution 25-57; Case PLN-SUP-24-0009:**
Request for a Special Use Permit to allow for a sidewalk café with alcoholic beverage sales; to be located at 440 12th Street West (Parcel ID 3318900002) in the T5 (Urban Center) transect zoning district. Application filed by Joseph Bennett (agent) for Jan R. DeLesline, as Trustee of the Jan R. DeLesline Revocable Living Trust dated February 14, 2008 (owner).
Resolution 25-57 (DRAFT).pdf
Application.pdf
Staff Report.pdf

b) Planning & Community Development: **Resolution 25-58; Case PLN-SUP-24-0010:**
Request for a Special Use Permit to allow for a sidewalk café with alcoholic beverage sales; to be located at 313 12th Street West (Parcel ID 3295000008) in the T5 (Urban Center) transect zoning district. Application filed by Joseph Bennett (agent) for 31312 LLC (owner).
Resolution 25-58 (DRAFT).pdf
Application.pdf

Staff Report.pdf

c) Planning & Community Development: **Resolution 25-59; Case PLN-SUP-24-0011:**
Request for a Special Use Permit to allow for a sidewalk café with alcoholic beverage sales; to be located at 436 12th Street West (Parcel ID 3318900002) in the T5 (Urban Center) transect zoning district. Application filed by Joseph Bennett (agent) for Jan R. DeLesline, as Trustee of the Jan R. DeLesline Revocable Living Trust dated February 14, 2008 (owner).
Resolution 25-59 (DRAFT).pdf
Application.pdf
Staff Report.pdf

d) Planning & Community Development: **Resolution 25-60; Case PLN-SUP-24-0012:**
Request for a Special Use Permit to allow for a sidewalk café with alcoholic beverage sales; to be located at 430 12th Street West (Parcel ID 3319000000) in the T5 (Urban Center) transect zoning district. Application filed by Joseph Bennett (agent) for Jan R. DeLesline, as Trustee of the Jan R. DeLesline Revocable Living Trust dated February 14, 2008 (owner).
Resolution 25-60 (DRAFT).pdf
Application.pdf
Staff Report.pdf

7. DISCUSSION ITEMS

a) Planning & Community Development: Discussion on approach to potential updates to the Land Use Regulations and the Form Based Code.

8. DIRECTOR'S REPORT

a) Planning & Community Development: Introduction of new City Planner; Corey Holycross.

9. ANNOUNCEMENT OF CITY COUNCIL PUBLIC HEARING DATES

a) Planning & Community Development: May 14, 2025:

- Resolution 25-38 - Special Use Permit for a Club (Event Center) at 1710 Manatee Ave. E.
- Resolution 25-40 - Special Use Permit for a Sidewalk Cafe with Alcoholic Beverages at 1166 3rd Ave. W.
- Resolution 25-41 - Special Use Permit for a Sidewalk Cafe with Alcoholic Beverages at 450 12th St. W.
- Ordinance 4059 - Text Amendment to the LURs related to docks in the UV zoning district (First Reading)

May 28, 2025:

- Ordinance 4059 - Text Amendment to the LURs related to docks in the UV zoning district (Second Reading/Public Hearing)

June 11, 2025: Items from the May 21, 2025, Planning Commission meeting.

- Resolution 25-57 - Special Use Permit for a Sidewalk Cafe with Alcoholic Beverages at 440 12th St. W.
- Resolution 25-58 - Special Use Permit for a Sidewalk Cafe with Alcoholic Beverages at 313 12th St. W.
- Resolution 25-59 - Special Use Permit for a Sidewalk Cafe with Alcoholic Beverages at 436 12th St. W.
- Resolution 25-60 - Special Use Permit for a Sidewalk Cafe with Alcoholic Beverages at 430 12th St. W.

10. ADJOURN

All interested persons and parties may appear either in person and be heard or submit written comments regarding the above matter to the Planning and Community Development Director and they will be heard and considered. The hearing may be continued from time to time as necessary. Copies of the application or further information may be obtained from the Department of Planning and Community Development, 101 Old Main Street, Bradenton, Florida, 34205, or by calling (941) 932-9407.

NON-DISCRIMINATION STATEMENT:

The City of Bradenton prohibits discrimination in all of its services, programs or activities on the basis of race, color, age, disability, sex, national origin, religion, genetic information or marital status. Persons with a disability needing a reasonable accommodation to participate in, or who require assistance or an alternative means for communication of program information such as Braille, large print, etc., should contact as soon as possible, but at least 48 hours in advance:

City of Bradenton ADA/Title VI Coordinator
101 Old Main Street
Bradenton, FL 34205
ADACoordinator@cityofbradenton.com
941-932-9400
TTY: 7-1-1 or 1-800-955-8771

La ciudad de Bradenton proveera servicio de interprete a las personas quienes su primer lenguage no es el ingles. Si necesita estos servicios, usted o su representante puede comunicar al ADA/Title VI Coordinator, 101 Old Main Street, Bradenton, FL 34205. Tambien puede llamar al (941) 932-9470 o enviar correo electronico a ADACoordinator@cityofbradenton.com

AGENDA ITEM NO. 4.a

Item Cover Page

PLANNING COMMISSION MEETING AGENDA ITEM REPORT

DATE: May 21, 2025

SUBMITTED BY: Greg DeLong, Planning & Community Development

ITEM TYPE: Minutes

AGENDA SECTION: **APPROVAL OF MEETING MINUTES**

SUBJECT: Planning Commission meeting minutes from April 16, 2025.

SUGGESTED ACTION: Approve as submitted.

Is this item Quasi-Judicial?
No

Does this item require a public hearing?
No

EXPLANATION:
Review and approval of the meeting minutes from the April 16, 2025, Planning Commission meeting.

FINANCIAL IMPACT:
N/A

ATTORNEY REVIEW/RECOMMENDATION:
N/A

SUGGESTED MOTION:
Motion to approve the Planning Commission meeting minutes from April 16, 2025, as submitted.

ATTACHMENTS:
Meeting Minutes - April 16, 2025 (DRAFT).pdf

ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
April 16, 2025

The Planning Commission met in the City of Bradenton Council Chambers, 101 Old Main Street, Bradenton, Florida at 2:00 p.m.

PRESENT

Planning Commission Members: Ben Bakker-Chair, Keith Green-Vice Chair, Michael Neal, Michael Jones, Jason Taylor.
City Staff: Scott Rudacille-City Attorney, Robin Singer-Planning and Community Development Director, Greg DeLong-Planning and Community Development Assistant Director, Jamie Schindewolf-Senior Planner, Brandon Wink-City Planner, Lori Brunner-Planning and Community Development Administrative Assistant.

REGULAR MEETING

1. Meeting was called to order by the Planning Commission Chair, Ben Bakker at 2:01 p.m.
2. Pledge of Allegiance.
3. Introduction of new Commissioner Jason "JB" Taylor.
4. Motion to approve the February 19, 2025, Meeting Minutes by Commissioner Green, and seconded by Commissioner Neal. Motion passed unanimously.

PUBLIC COMMENT
No speakers came forward to speak on non-agenda items.

Chair Ben Bakker asked if the Commissioners had any ex parte communication with any of the applications on today's agenda. Commissioner Taylor abstained from Case PLN-FBA-25-0003, #4 on the Agenda.

AGENDA ITEMS:

1. Resolution 25-41, Case PLN-SUP-24-0008:
Request for a Special Use Permit to allow for a sidewalk café with alcoholic beverage sales; to be located at 450 12th Street West (Parcel ID 3318700006) in the T5 (Urban Center) transect zoning district. Application filed by Paul Kotlarczyk (owner).

Staff: Greg DeLong gave the case information and showed maps with the sidewalk cafe.

Applicant: Paul Kotlarczyk, 1007 72nd Street NW, Bradenton, stated that they have been operating with outside dining since their inception in 2011, at which time they were approved. He said that their state licensure has been on file with the state also. He then discussed tables and cleaning solutions, as per requirements.

Mr. DeLong went over the zoning map and the Form Based Code regulations, as well as the Land Use Regulations. He stated that this is consistent with the Comprehensive Plan and staff feels that it meets the criteria and goals of the Land Use Regulations, as well as the design element of the Comprehensive Plan.

Public Comment: Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

Motion: Commissioner Green motioned to approve with stipulations and corrections, and Commissioner Taylor seconded. Motion passed unanimously.

2. Resolution 25-40, Case PLN-SUP-25-0004:
Request for a Special Use Permit to allow for a sidewalk café with alcoholic beverage sales; to be located at 1166 3rd Avenue West (Parcel ID 3294300003) in the T6 (Urban Core) transect zoning district. Application Filed by Melissa Lilly (agent) for the City of Bradenton (owner).

Staff: Greg DeLong presented the case and discussed the zoning. He showed a map of the location.

Applicant: Melissa Lilly, 1221 30th Street W, Bradenton, explained the reasons they would like to serve alcoholic beverages, specifically beer and wine only. They would like to continue. She stated that their tables are brought in every night.

Mr. DeLong stated that this is in the T6 Zoning. He discussed the Form Based Code regulations and went over the summary of the request while showing photos. Mr. DeLong spoke about the Comprehensive Plan and the design element for cafés in the downtown area, as well as the Land Use Regulations. He stated that it does meet the criteria, and if approved, the applicant should meet certain conditions, which he stated.

Public Comment: Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

Motion: Commissioner Taylor motioned to approve with stipulations, and Commissioner Green seconded. Motion passed unanimously.

3. Final Order PLN-FBA-25-0002, Case PLN-FBA-25-0002:
Request for a Form Based Code Adjustment to allow for an additional wall sign to be located on the west façade; for property located at 1111 3rd Avenue West (Parcel ID 3294701009) in the T5 (Urban Center) transect zoning district. Application filed by Amanda Norman and Nicholas St. John (agents) for River View Complex, LLC (owner).

DRAFT

Staff: Brandon Wink presented the case. He showed maps and discussed the case. Based on his findings, he feels that it meets the criteria necessary for approval.

Applicant: Nick St. John, 6607 Riverview Blvd, Bradenton, explained the sign.

Public Comment: Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

Motion: Commissioner Taylor motioned to approve with a stipulation that with new owners, there would have to be a new sign approval, and Commissioner Neal seconded. Motion passed unanimously.
Commissioner Green motioned to approve with the added stipulation, and Commissioner Neal seconded. Motion passed unanimously.

4. Final Order PLN-FBA-25-0003, Case PLN-FBA-25-0003:
Request for a Form Based Code Adjustment to permit a 74 square foot wall sign on the west façade, superseding a previous approval of a 60 square foot wall sign on this façade, located at 1001 3rd Avenue West, Bradenton, FL 34205, Parcel ID: 3291400004. Request filed by Caylee Grimes, agent for 3rd Avenue Associates, LLLP.

Commissioner Taylor recused himself from this item.
City Attorney Scott Rudacille recused himself from this item.

Staff: Jamie Schindewolf presented the case and explained the sign, showed maps, and went over the code. She stated that staff finds that the sign is consistent with the Form Based Code and existing Land Use Regulations.

Applicant: Caylee Grimes, agent for the applicant, 2815 51st Street W, Bradenton, explained the purpose of the sign.

Nothing further from staff.

Public Comment: Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

Motion: Commissioner Green motioned to approve, and Commissioner Neal seconded. Motion passed unanimously.

5. Resolution 25-39, Case PLN-SUP-24-0006:
This item was withdrawn from the agenda. Email from applicant received.

DRAFT

6. Resolution 25-38, Case PLN-SUP-25-0007:
Request for a Special Use Permit to allow for a Club (Reception Center); to be located at 1710 Manatee Avenue East (Parcel ID 1270500000) in the T4-O (General Urban Open) transect zoning district. Application filed by Niketa Jackson (owner).

Staff: Mr. DeLong gave information about the property in the T 4-O Zoning. He showed a map and discussed the occupancy load. He also provided 2 letters (in the form of emails) of opposition.

Applicant: Patricia Petruff, 1206 Manatee Avenue E, Bradenton, represented the applicant. She explained the usage and parking spaces. This will mostly be used for celebrations during the daytime. She also addressed the 2 emails that were received in opposition of the application. She discussed traffic as well. She is requesting approval and stated that the applicants agree with the stipulations.
Niketa Jackson, owner, 11811 Erie Road, Parrish, responded to Commissioner Taylor's questions about fire codes and change of use permits. She stated that they comply with all, as well as with the parking requirements.
Horace Jackson, owner, 11811 Erie Road, Parrish, responded to questions from Commissioner Taylor concerning parking.
Fencing and screening were both discussed.

Mr. DeLong gave a history of the property. He stated that the current codes do not define a "reception center" or an "event center", so staff is classifying it as a "club", similar to another location's application. He went over the summary of the request, including the parking plan, and occupancy requirements. Some conditions will be required which were discussed in the prior DRC meeting. Staff feels that this application complies with the criteria required.

Motion: Changing operation hours to 8:00 am to 10:00 pm, Sunday through Thursday, and 8:00 am to 11:00 pm, Friday and Saturday made by Commissioner Taylor and seconded by Commissioner Neal. Motion passed unanimously.

Compliance issues were discussed concerning ADA parking requirements, as well as food service and health code requirements.

City Attorney Scott Rudacille suggested a requirement to comply with the applicable standards of the building codes, safety codes, etc.

Motion: Commissioner Neal motioned to remove the time-line stipulation of 30 days and Commissioner Taylor seconded. Motion passed unanimously.

Public Comment: Chair Bakker opened the Public Hearing.
2 opposed via email and letter.

Public Hearing was closed.

DRAFT

Motion: Commissioner Taylor motioned to approve with stipulations, and Commissioner Neal seconded. Motion passed unanimously.

7. Ordinance 4059, Case PLN-TXT-25-0001:
An Ordinance of the City of Bradenton, Florida, amending the City of Bradenton's Land Use Regulations, Chapter 3, District Regulations, Section 3.2, standard Land Use Atlas District regulations, Schedule 3.2.1.2 Permitted and Special Uses Mixed-Use and Non-Residential Land Use Atlas Districts, to add docks and piers as a permitted use in the Urban Village Zoning District; providing for codification; providing for repeal of ordinances in conflict; providing for severability; and providing for an effective date. Application filed by the City of Bradenton Department of Planning and Community Development.

Staff: Greg DeLong went over the Land Use Regulations; adding docks to the Urban Village Zoning District. Staff feels that this is consistent with the Comprehensive Plan and the Land Use Regulations within the City. Robin Singer added that some will still need a special use permit. The Board and Staff discussed commercial use and special use properties.

Public Comment: Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

Motion to recommend with the stipulation that docks be a special use permit

Motion: Commissioner Green motioned to approve, and Commissioner Jones seconded. Motion passed unanimously.

DISCUSSION ITEMS: Ms. Singer will add discussion of code changes to the next meeting agenda which will include signs. Mr. DeLong added that there are 4 agenda items as well.

DIRECTOR'S REPORT: None

Adjournment: The meeting adjourned at 4:16 p.m.

Ben Bakker, Chair Date

NOTE: This is not a verbatim record. An audio recording of the meeting is available for a fee upon request.

DRAFT

AGENDA ITEM NO. 6.a

Item Cover Page

PLANNING COMMISSION MEETING AGENDA ITEM REPORT

DATE: May 21, 2025

SUBMITTED BY: Greg DeLong, Planning & Community Development

ITEM TYPE: Resolution

AGENDA SECTION: **AGENDA ITEMS**

SUBJECT: **Resolution 25-57; Case PLN-SUP-24-0009:** Request for a Special Use Permit to allow for a sidewalk café with alcoholic beverage sales; to be located at 440 12th Street West (Parcel ID 3318900002) in the T5 (Urban Center) transect zoning district. Application filed by Joseph Bennett (agent) for Jan R. DeLesline, as Trustee of the Jan R. DeLesline Revocable Living Trust dated February 14, 2008 (owner).

SUGGESTED ACTION: Motion to recommend to City Council either approval or denial of Resolution 25-57, Case PLN-SUP-24-0009.

If the action is to approve, the following are recommended stipulations for approval:

a. The sidewalk café is permitted no more than 7-tables and 28-chairs.
b. The approved Resolution, including the approved site plan and conditions shall be on display and accessible on the Property during business hours.
c. Within 30 days following the approval, the Property Owner shall execute an Indemnification Agreement in a form acceptable to the City.
d. After the business is closed, all furniture (7-tables and 28-chairs) must be stored in the alleyway located to the south of the building. The tables shall be placed adjacent to the building unit and the alleyway gates shall be secured when the business is closed.

e. Clear pedestrian access on the public sidewalk of no less than 5’ shall be maintained at all times in a way that neither seating nor tables affect the ingress/egress of travel, the safety or pedestrian and traffic circulation.
f. The property/business owner shall obtain all State licenses permitting the sale of alcohol as part of the sidewalk café.
g. Any cleaning solution used to clean the sidewalk café area shall be approved by the Bradenton Public Works.
h. Any future increase in seating for the sidewalk café area shall be approved by City Council.

Is this item Quasi-Judicial?
Yes

Does this item require a public hearing?
Yes

EXPLANATION:
The applicant has submitted a Special Use Permit application requesting permission to allow a sidewalk cafe with alcoholic beverages at 440 12th Street West.

While a sidewalk cafe has been in place at the subject property, the subject Special Use Permit will ensure compliance to City of Bradenton's Form Based Code and Land Use Regulations, should approval be granted by City Council.

FINANCIAL IMPACT:
N/A

ATTORNEY REVIEW/RECOMMENDATION:
Reviewed by City Attorney Rudacille.

SUGGESTED MOTION:
Motion to recommend either approval or denial of Resolution 25-57 with stipulations recommended by staff.

ATTACHMENTS:
Resolution 25-57 (DRAFT).pdf
Application.pdf
Staff Report.pdf

RESOLUTION 25-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, GRANTING SPECIAL USE PERMIT NO. PLN-SUP-24-0009 TO PERMIT A SIDEWALK CAFÉ WITH ALCOHOLIC BEVERAGE SALES FOR PROPERTY LOCATED AT 440 12TH STREET WEST, BRADENTON, FLORIDA (PARCEL ID NO 3318900002), IN THE T5 URBAN CENTER TRANSECT ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jan R. DeLesline, as Trustee of the Jan R. DeLesline Revocable Living Trust dated February 14, 2008 (the "Property Owner" or "Applicant") owns the property located at 440 12th Street West, Bradenton, Florida (Parcel ID No 3318900002), more particularly described in Exhibit "A" (the "Property"); and

WHEREAS, the City of Bradenton Comprehensive Plan's Future Land Use Map designates the Property as Urban Core (URBCORE); and

WHEREAS, the City of Bradenton Official Zoning Map classifies the Property under the (T5) Urban Center – Transect Zoning District; and

WHEREAS, the City of Bradenton Form Based Code, Table 4.7, identifies uses in the T5 transect zoning district; and

WHEREAS, the City of Bradenton Form Based Code, Table 4.7, identifies Café/Sidewalk Café with less than 20 seats as a permitted use in the T5 transect zoning district; but stipulates that City Council approval may be required per the Land Use Regulations; and

WHEREAS, the City of Bradenton Land Use Regulations, Section 4.3.11.4, states that alcoholic beverage sales served as part of any sidewalk café on public property shall require City Council approval; and

WHEREAS, the Property Owner submitted an application for a Special Use Permit to permit a sidewalk café with alcoholic sales; and

WHEREAS, the Planning Commission held a noticed public hearing on May 21, 2025, at which the Commission received testimony and evidence from the applicant and City Planning staff; and

WHEREAS, the City Council held a noticed public hearing on June 11, 2025, at which the Council received testimony and evidence from City Planning staff and members of the public in attendance.

NOW, THEREFORE, the City Council makes the following Findings of Fact and Conclusions of Law and issues the Final Order as follows:

Section 1. Findings of Fact and Conclusions of Law. After considering the evidence on the record and that presented at public hearing, including the staff report and the recommendation of the Planning Commission, the City Council hereby makes the following Findings of Fact and Conclusions of Law:

a. The Whereas clauses contained herein are hereby adopted as Findings of Fact.
b. The Property Owner is requesting approval of a Special Use Permit to operate a sidewalk café with alcoholic sales, as shown on the Site Plan attached hereto as Exhibit "B".
c. The City's professional staff determined that with the proposed stipulations, the project is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.
d. The City's professional staff recommended stipulations to consider for an approval.
e. The Planning Commission, which is designated as the local planning agency, determined that with the proposed stipulations, the project is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.
f. The Planning Commission recommended approval with stipulations.
g. The proposed use meets the review criteria in Section 3.3.2 of the City Code as follows:

    1. The tract of land is suitable for the type of use proposed by virtue of its location, topography, shape, and the nature of surrounding development. See 3.3.2.1.
    2. Access points are located so as to best suit the use and property. Wide spacing between access points and intersecting streets should be required when feasible. See 3.3.2.2.
    3. All buildings are located an adequate distance from property lines and streets. See 3.3.2.3.
    4. Permanent screening, such as walls, fences, hedges, and other barriers, are not needed to protect surrounding properties from view of the premises or noises from the use. See 3.3.2.4.
    5. Adequate ingress and egress is provided to property and proposed structures with particular regard for automobiles and pedestrian safety and convenience, traffic generation, flow and control and emergency access. See 3.3.2.5.
    6. Location and design of off-street parking and loading areas in regard to the items in "a." above and the smoke, noise, glare, dust, vibrations, fumes, pollution and other effects of the use on adjoining properties is adequate for the proposed use. See 3.3.2.5.

7. Location and design of refuse and service areas are sufficient in regard to availability, adequacy and effect upon surrounding properties. See 3.3.2.5.
8. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties are provided. See 3.3.2.5.
9. Screening, buffering or separation of any nuisance or hazardous feature of the use are not needed for the proposed use. See 3.3.2.5.
10. Proposed signs and exterior lighting are adequate with reference to glare, traffic safety and compatibility and harmony with surrounding properties. See 3.3.2.5.
11. Effect upon the value of surrounding properties; the use will not hinder the development of nearby vacant properties or adversely affect their economic value. See 3.3.2.5.
12. The land and/or building which are to be used are adequate for the proposed use. See 3.3.2.5.
13. The proposed use is compatible and appropriate with adjacent properties and other property in the district with special consideration given to the proposed hours of operation. See 3.3.2.5.
14. The proposed use will not affect the environmental quality of the district. See 3.3.2.5.
15. The proposed use is consistent with the City's comprehensive plan. See 3.3.2.5.

Section 2. Permit. Based upon the foregoing, a Special Use Permit is hereby approved and issued for the Property, to allow for a sidewalk café with alcoholic sales for a maximum of 7 tables and 28 chairs, as generally shown on the Site Plan attached hereto as Exhibit "B", subject to the following stipulations:

a. The sidewalk café is permitted no more than 7 tables and 28 chairs.
b. The approved Resolution, including the approved site plan and conditions shall be on display and accessible on the Property during business hours.
c. Within 30 days following the approval, the Property Owner shall execute an Indemnification Agreement in a form acceptable to the City.
d. After the business is closed, all furniture (7 tables and 28 chairs) must be stored in the alleyway located to the south of the building. The tables shall be placed adjacent to the building unit and the alleyway gates shall be secured when the business is closed, as generally shown on the Site Plan attached hereto as Exhibit "B".
e. Clear pedestrian access on the public sidewalk of no less than 5' shall be maintained at all times in a way that neither seating nor tables affect the ingress/egress of travel, the safety or pedestrian and traffic circulation.
f. The property/business owner shall obtain all State licenses permitting the sale of alcohol as part of the sidewalk café.

g. Any cleaning solution used to clean the sidewalk café area shall be approved by the Bradenton Public Works.
h. Any future increase in seating for the sidewalk café area shall be approved by City Council.

Section 3. State and Federal Permits. Issuance of this development permit by the City does not in any way create any right on the part of the Applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. The Applicant must obtain all applicable state and federal permits before commencing development or use.

Section 4. Severability. In the event that any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Resolution which shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall be effective upon adoption.

ORDERED ON BEHALF OF THE CITY OF BRADENTON THIS 11th DAY OF JUNE 2025.

THE CITY OF BRADENTON, BY AND THROUGH THE CITY COUNCIL OF THE CITY OF BRADENTON

ATTEST:

_____ _____

Tamara Melton
CITY CLERK

Gene Brown
MAYOR

APPROVED AS TO FORM:

_____
Scott Rudacille
CITY ATTORNEY

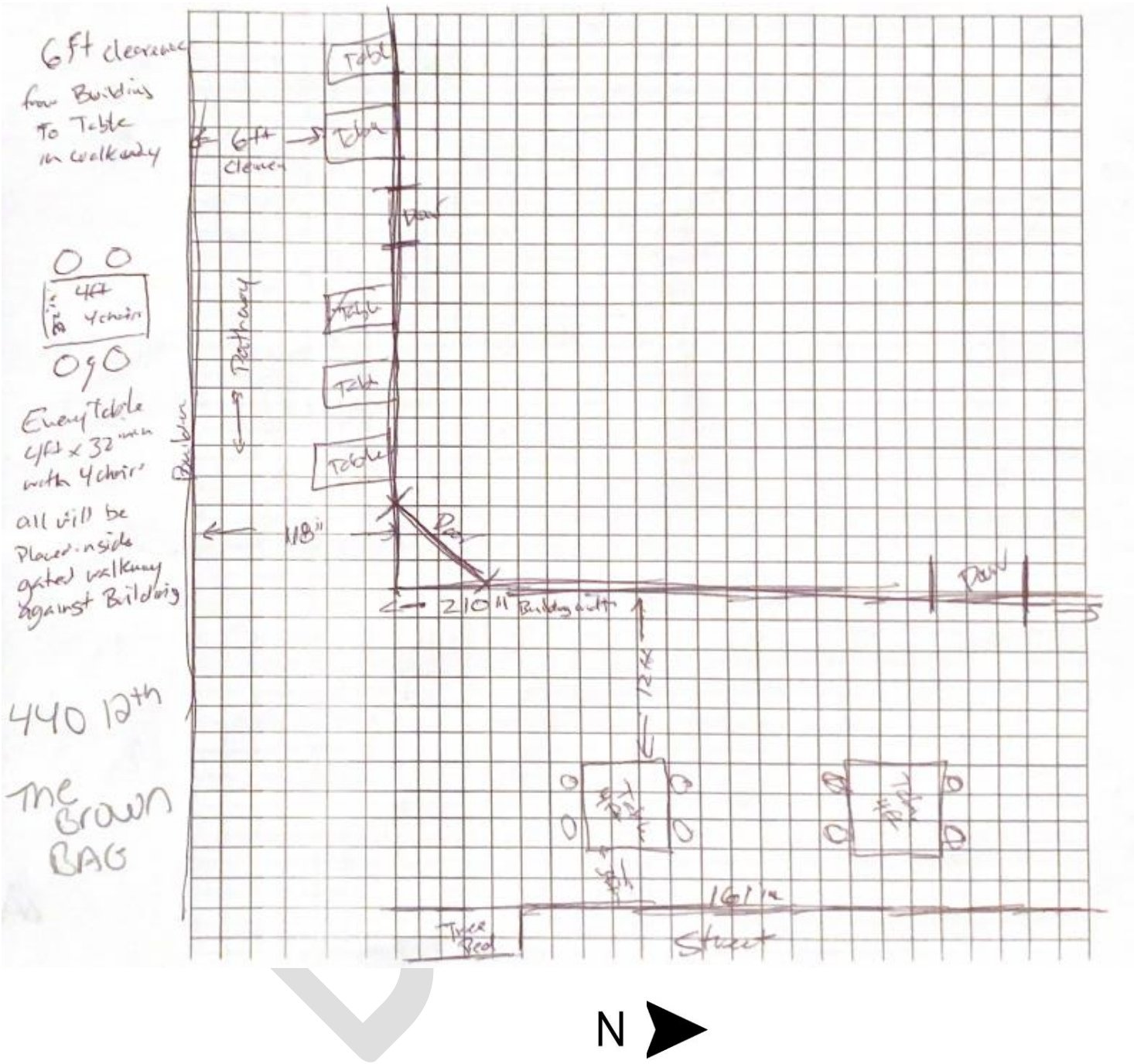
DRAFT

EXHIBIT "A"

Parcel 3318900002:
A STRIP 9 3/4 FT WIDE OFF N END OF LOT 6, LOT 7 FULLER BLOCK
PI#33189.0000/2

DRAFT

EXHIBIT "B"


6ft clearance
from Buildings
To Table
in walkway
4ft
4 chairs
Every Table
4ft x 32" max
with 4 chairs
all will be
Placed inside
gated walkway
against Building
440 12th
The Brown
BAG
6ft
Clearance
Table
Bar
Pathway
118"
210"
Building width
12ft
16' 1/2
Street
Trees
Bed
N

PLN-SUP-24-0009

Menu Reports Help

File Date: 12/31/2024

Application Status: Scheduled-Planning Commission

Assigned To:

Application Name:

Application Detail: Detail

Scope of Work: We would like to have tables and chairs on the sidewalk.

Application Type: Special Use Permit

Documents:

File Name	Document Group	Category	Description	Type	Document Status	Document Status Date
430-440 auth form.pdf	PLANNING	Other	Agent Authorization...	application/pdf	Uploaded	03/24/2025
440 12 th st .pdf	PLANNING	Correspondence	Site plan	application/pdf	Uploaded	04/15/2025

Show all

Address: 440 12TH St W, BRADENTON, FL 34205

Owner Name: DELESLINE JAN R

Owner Address: PO BOX 283, TERRA CEIA, FL 34250

Parcel No: 3318900002

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Application Comments:

View ID	Comment	Date

Initiated by Product: ACA

Contact Info:

Name	Organization Name	Contact Type	Status
Charles Ferrara	The Brown Bag	Applicant	Active

Job Value: $0.00

Total Fee Assessed: $0.00

Total Fee Invoiced: $0.00

Balance: $0.00

Custom Fields: **SPECIAL USE**

Type	Other
Restaurant >20 Seats	

MEETING INFORMATION

Meeting Type	Date	Status

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Intake	Greg DeLong	Ready for Pr...	04/21/2025	Greg DeLong
Case Manager	Greg DeLong	Ready for Re...	04/21/2025	Greg DeLong
Building Review				
Public Works Review				
Fire Review				
Other Reviews				
Planning Review	Greg DeLong	Pass	04/21/2025	Greg DeLong
Review Consolidation	Greg DeLong	Scheduled fo...	04/21/2025	Greg DeLong
DRC				
Planning Commission	Greg DeLong			
City Council #1				
City Council #2				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

bradenton
The Friendly City

Agent Authorization Form

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400
www.cityofbradenton.com

PLANNING & ZONING AGENT AUTHORIZATION FORM

Property Address: 436 12th St

I, John DeLesline, the registered property owner(s) of the above noted property, do hereby authorize

Joseph Bennett — 430 - 440 12th Street
Print Name of Agent — Company Name

to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standards and conditions applicable.

AGENT AUTHORIZATION

P.O. Box 283 Terra Ceia, FL 34250
Signature of Owner(s) — Owner(s) Address (if different than property above)

P.O. Box 283 Terra Ceia, FL 34250
Signature of Agent — Agent Address and Phone

REQUIRED

NOTARY

STATE OF FLORIDA, MANATEE COUNTY

The Foregoing instrument was acknowledged before me by means of X physical presence or online notarization, this 8th day of January 2025, produced

Personally known

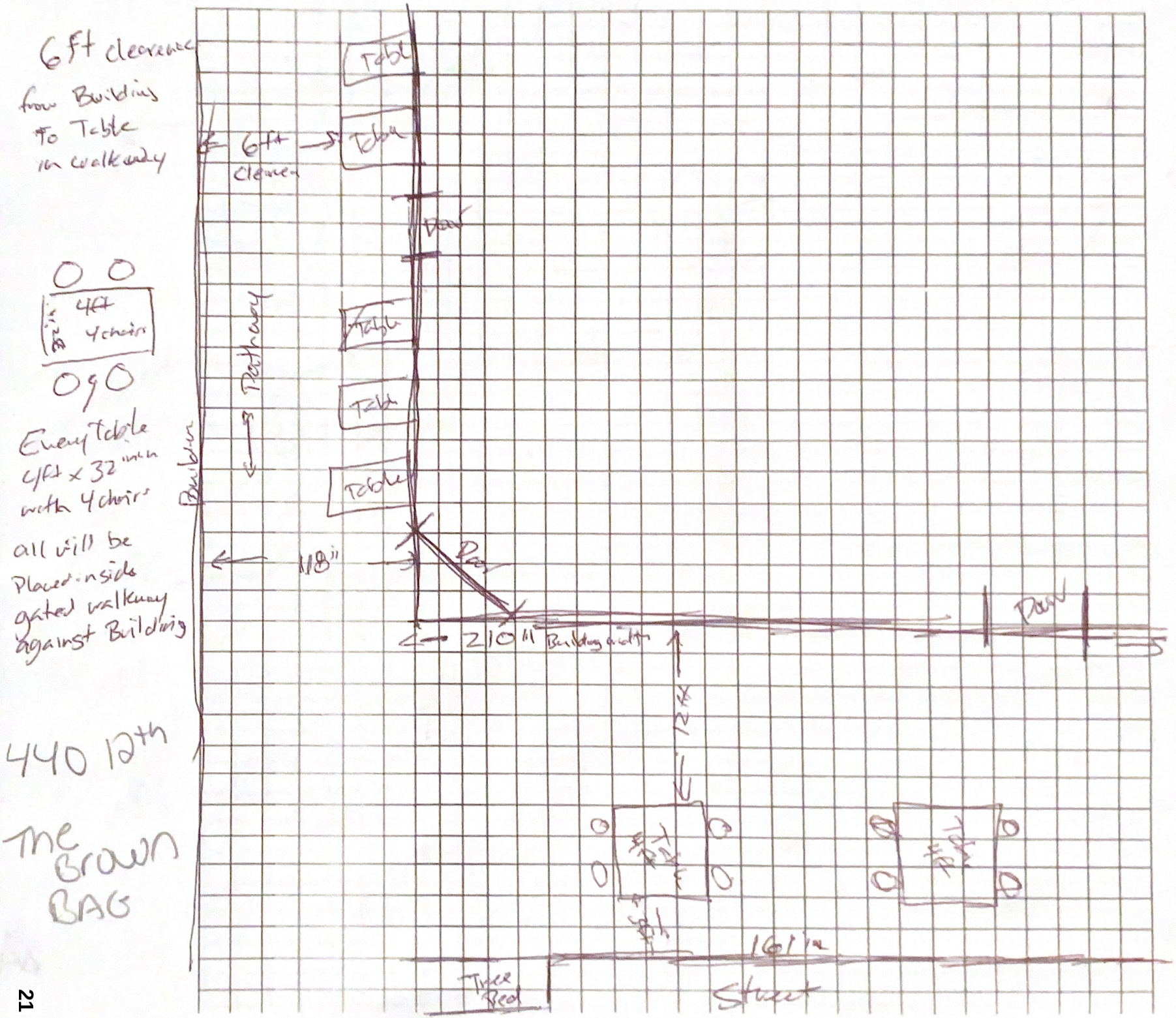
respectively, as identification and who did (did not) take an oath:

Signature

JAN R DELESLINE
Notary Public
State of Florida
Comm# HH431320
Expires 8/8/2027

Print Name — Notary Public

State of Florida
My Commission Expires: _____


6ft clearance
from Building
To Table
in walkway
6ft
clearance
Table
Table
Door
Table
Table
Table
Pathway
Building
118"
Door
210" Building width
Door
12ft
4ft
4 chairs
Every Table
4ft x 32 inch
with 4 chairs
all will be
Placed inside
gated walkway
against Building
440 12th
The
Brown
BAG
Table
Table
16th
Street
Tyler
Red

City of Bradenton
Planning and Community Development Department
Planning Commission Public Hearing
May 21, 2025

Staff Report

Case Number:	PLN-SUP-24-0009
Res. Number:	25-57
Applicant:	Joseph Bennett (agent)
Owner:	Jan R. DeLesline, as Trustee of the Jan R. DeLesline Revocable Living Trust dated February 14, 2008
Address:	440 12th Street West
Parcel ID No:	3318900002
Current Zoning:	T5 (Urban Center – Transect District)
Future Land Use:	URBCORE (Urban Core)
Flood Zone:	X

Surrounding Property Zoning:

Current Zoning:	North: T5 (Urban Center – Transect District) South: T5 (Urban Center – Transect District) East: T5 (Urban Center – Transect District) West: T5 (Urban Center – Transect District)
Future Land Use:	North: URBCORE (Urban Core) South: URBCORE (Urban Core) East: URBCORE (Urban Core) West: URBCORE (Urban Core)

Joseph Bennett (agent) for The Brown Bag restaurant submitted a Special Use application requesting permission to allow a sidewalk café with alcoholic beverage sales at 440 12th Street West.

While a sidewalk café has been in place at the subject property, the Special Use process will ensure compliance to the City of Bradenton's Form Based Code and Land Use Regulations, should approval be granted by City Council.

According to the submitted application materials, the proposed café area will be located on the sidewalk along 12th Street West and an existing alleyway located to the south of the building unit.

Following is a summary of the request:

12th Street West:

- Area size: 17’-6” x 19’ (unit width and sidewalk depth).
- Number of Tables: 2-tables.
- Number of Seats: 8-chairs.
- Bussing and Hostess Stations: No.
- Table Umbrellas: No.
- Traversable Area: 12’ (minimum width)

Alleyway:

- Area size: 87’ x 9’-6” (unit length and sidewalk depth).
- Number of Tables: 5-tables.
- Number of Seats: 20-chairs.
- Bussing and Hostess Stations: No.
- Table Umbrellas: No.
- Traversable Area: 5’-6” (minimum width)

Both Locations:

- The applicant is requesting to store all of the tables and chairs within the alleyway after the business is closed. The furniture will be placed up against the unit of 440 12th Street West.

There are no Fire Department Connections (FDC) within the proposed café area.

The City of Bradenton Development Review Committee (DRC) reviewed the request at their May 6, 2025, meeting and the Committee had no concerns with the proposed request.

On November 17, 2004, the subject property was before City Council for Special Use approval to allow a bar/lounge. As part of the approval (vote 3-2), City Council permitted 2 tables on 12th Street and an additional 6 tables in the alley.

The subject property is in the T5 Urban Center Transect Zoning District. According to Table 4.7 of the Form Based Code (FBC), Café/Sidewalk Café’s with less than 20 seats are a permitted use. City Council approval may be required if there is the sale of Alcoholic beverages, per footnote #1 and Section 4.3.11.4 of the Land Use Regulations (LUR).

FORM BASED CODE REGULATIONS:

12.1.d.vi *Sidewalk café.* An area where food or beverage is served from an adjacent café or restaurant to patrons seated at tables located within the sidewalk area adjacent to the café or restaurant.

Table 4.7: Specific Function & Use.

	T4-S					
	T3	T4-R	T4-O	T5	T6	SD
Special Events		SU	SU	SU	SU	P
Retail Building			P	P	P	SU
Display Gallery			P	P	P	SU
Restaurant			P	P	P	SU
Kiosk			P	P	P	SU
Cafe/Sidewalk Cafe<20 seats[1]			P	P	P	P

1. City Council approval may be required. Refer to Sections 2.2.9 and 4.3.1 for alcoholic beverage sales and approval requirements.

COMPREHENSIVE PLAN:

Design Element:

Policy 1.1.1 Design Standards, Public Streets, Buildings/Architecture, Open Space, and the Public Realm

The City shall consider inclusion of additional requirements for enhancements in the Land Development Regulations. Standards for enhancements to be considered include the following:

Public Streets

Public Streets should provide the primary vehicle and pedestrian circulation infrastructure for the City. Public and private development should use the existing street grid as a framework and should expand the public street network as necessary to provide connectivity between new and older development. Development of new and extended streets should generally be kept in scale with the existing street network found along Bradenton's waterfront including the Downtown and Old Manatee Village areas.

2. Sidewalks are important to defining streets as civic places. Sidewalks should be provided along both sides of all streets and should be wide enough to accommodate visiting and residential pedestrians comfortably and safely. The pedestrian environment should be further enhanced through the use of fixed street furniture, compatible and consistent lighting, and landscaping. Sidewalk cafes, temporary art installations, and seasonal lighting are encouraged along public sidewalks as a means to encourage the year-round activity.

Policy 1.2.5 Sidewalk Design

The City shall require sidewalks to have a minimum clear width of five feet wide.

Private Property Rights Element

Policy 1 Statement of Rights

The following rights shall be considered in local decision making**:**

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possession and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

LAND USE REGULATIONS:

2.2.10 *Alcoholic beverage sale approval*. Administrative approval is allowable for all complete alcoholic beverage state license applications, except events proposed to be held on public property or requiring public services. The PCD director may require city council approval of certain alcoholic beverage license applications to protect the public interest. Certain uses associated with alcoholic beverage licensing may require discretionary review pursuant to schedule 3.2.1.2. and shall comply with subsection 2.2.9.

2.2.10.1 Application. The application (paper or electronic media in a PDF format) must indicate the type of state license the business is to operate under, and be accompanied by a site plan showing all churches, day care facilities and schools within a 1,000-foot radius of the subject property boundary, as well as other information that may be required by the PCD director to sufficiently review the application per subsection 4.3.1. The application fee is set forth in appendix A.

2.2.10.2 Public notice. When required, public notice shall be given as per subsection 2.3.1.

2.2.10.3 Review and approval. The application shall be reviewed using the criteria in subsection 4.3 pursuant to schedule 2.3. Upon

the granting of approval by city council, or if administrative approval is authorized, the PCD director shall sign the state alcoholic beverage vending license application.

3.3 Special Use Permits.
Land uses requiring special use permits are those which have the potential of disturbing other land uses in the zoning district. Because they are not necessarily compatible with land uses in the zone in which they are allowed, they require discretionary review. Special uses are permitted only if in the specific instance the use will be compatible with surrounding uses or can be made compatible through limitations of their operation or enhancements of the site development design. The special use permit makes the stipulations of approval mandatory. The special use permit is valid for the property on which it is issued for as long as the conditions are met, unless the approval stipulates otherwise. Schedules 3.2.1.1 (residential), and 3.2.1.2 (non-residential) indicate what uses require special use permits in various zones. See section 2.2.4 for the application procedure.

4.3.1 *Alcoholic beverage sale approval.* The following are the criteria for review and approval of an application for alcoholic beverage sales (see section 2.2.9 for application requirements).

4.3.1.1 Approval shall not be granted for a site in a residential land use atlas district.

4.3.1.2 Approval shall not be granted on any site within 300 feet of any place of worship, day care center, or public or private elementary, middle, or high school. In accordance with F.S. § 562.45(2a) establishments licensed after July 1, 1999, or restaurants not meeting the 51 percent rule shall not be located within 500 feet of any such school. Such distance shall be measured from the main entrance of the applicant establishment, along the shortest route of pedestrian travel, to the main entrance of the principal building of the place of worship or day care center, or to the nearest point on the school grounds.

4.3.1.3 Approval shall not be granted if the sale of alcoholic beverages is found to be incompatible with surrounding land uses.

4.3.1.4 Reasonable stipulations may be attached to an approval for the purpose of rendering the use compatible with surrounding land use. Stipulations may include, but are not limited to, restrictions on the hours of operation and the addition of buffer strips.

4.3.11 Sidewalk *café.* The sidewalk café provides for outdoor seating in conjunction with a restaurant or drinking establishment and is permitted in accordance with schedule 3.2.1.2 upon approval of a certificate of use or special use permit, and subject to the following restrictions:

4.3.11.1 *Seating area.* The number of outdoor seats and tables shall be limited to that number that can be reasonably accommodated according to the available widths of the associated storefront and sidewalk. Adjacent sidewalk bulb-out areas, even if not located directly in front of the associated storefront, may be considered on an individual basis, when the affected storefront owner does not object. Clear pedestrian access shall be maintained at all times, and no seating or tables shall interfere with ingress/egress of buildings or create an unsafe situation with street traffic. The sidewalk café owner/operator shall remove from the sidewalk and place out of public view any seating or tables when the business is closed, or when an authorized agent of the city makes such a request.

4.3.11.2 *Maintenance.* Public sidewalk approved as part of any sidewalk café shall be properly maintained for safety and cleanliness by the sidewalk café owner/operator on a daily basis. Litter, dirt, grime, grease, and food shall not be permitted to accumulate at any time.

4.3.11.3 *Assurance.* An indemnity agreement, provided by the PCD director shall be signed and provided by the sidewalk café owner/operator, along with proof of public liability insurance as approved by the city attorney.

4.3.11.4 *[Alcoholic beverages.]* Alcoholic beverages served as part of any sidewalk café on public property shall require city council approval, pursuant to subsections 2.2.9 and 4.3.1. and F.S. chapters 561 and 562. City council reserves the right to limit the number of sidewalk cafes providing alcoholic beverage service.

Compliance Overview with Land Use Regulations

Land uses requiring Special Use Permits are those which have the potential of disturbing other land uses in the zoning district. Because they are not necessarily compatible with land uses in the zone in which they are allowed, they require discretionary review. Special uses are permitted only if the use will be compatible with surrounding uses or can be made compatible through limitations of their operation or enhancements of the site development design. The Special Use Permit makes the stipulations of approval mandatory. The Special Use Permit is valid for the property on which it is

issued for as long as the conditions are met, unless the approval stipulates otherwise.

The following is a list of required Land Use Regulations subject to review for Special Use Permits:

GENERAL STANDARDS (LAND USE REGULATIONS):

3.3.1 *General standards.* All special uses shall comply at minimum with the following standards. Additional requirements may be made by city council to ensure compatibility of uses.

3.3.1.1 All special uses shall be subject to the general regulations of these LURs for single lot development, structures, lots, yards and vehicular use areas as well as the specific dimensional regulations for lots and structures for the zoning district in which the special use is proposed.

3.3.1.2 A landscaped separation strip of at least ten feet in width shall be provided along all property lines and along all streets serving the premises, except at approved access points.

3.3.1.3 If the use is listed as a specific use in section 4.3, the standards of that section must be met.

REVIEW CRITERIA (LAND USE REGULATIONS):

3.3.2 *Review criteria.* All special uses shall comply with and be reviewed using the following criteria to determine whether to allow the use at the proposed location and to determine appropriate conditions to the use.

3.3.2.1 The tract of land must be suitable for the type of use proposed by virtue of its location, topography, shape and the nature of surrounding development.

Staff Response: It appears that the proposed use of a sidewalk café is suitable for the subject locations.

3.3.2.2 Access points must be located so as to best suit the use and property. Wide spacing between access points and intersecting streets should be required when feasible.

Staff Response: It appears that access points will not be negatively impacted by the proposed use.

3.3.2.3 All buildings shall be located an adequate distance from property lines and streets. Setbacks in excess of those required for the specific zone may be required to lessen the effect of the use on neighboring properties.

Staff Response: No new buildings will be constructed as part of the proposed use.

3.3.2.4 Permanent screening, such as walls, fences, hedges, and other barriers, may be required to protect surrounding properties from view of the premises or noises from the use. The minimum height and other parameters of such screening may be specified.

Staff Response: Requirement cannot be met due to the existing built environment.

3.3.2.5 The following shall be considered and cited as reasons for approval or denial of the application:

a. Adequacy of ingress and egress to property and proposed structures with particular regard for automobiles and pedestrian safety and convenience, traffic generation, flow and control and emergency access.

   Staff Response: No new ingress and egress points are being proposed as part of the subject request. The applicant is also proposing a minimum of no less than 5' of traversable space on the public sidewalk and within the alleyway.

b. Location and design of off-street parking and loading areas in regard to the items in "a." above and the smoke, noise, glare, dust, vibrations, fumes, pollution, and other effects of the use on adjoining properties.

   Staff Response: It appears that the subject request will not have any negative impacts on adjacent properties as far as smoke, glare, dust, vibrations, fumes, and pollution.

c. Location and design of refuse and service areas in regard to availability, adequacy, and effect upon surrounding properties.

   Staff Response: It appears that the subject request will not affect the location and design of existing refuse and service areas.

d. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties.

Staff Response: It appears that the subject request will not affect or impact existing utilities.

e. Screening, buffering or separation of any nuisance or hazardous feature of the use.

Staff Response: No screening, buffering or separation are being proposed as the area is a built environment.

f. Proposed signs and exterior lighting with reference to glare, traffic safety and compatibility and harmony with surrounding properties.

Staff Response: No new lighting or signage is being proposed as part of the subject requests. Should any lighting or signage be installed in the future, it shall be in accordance with the City of Bradenton's requirements.

g. Effect upon the value of surrounding properties; the use shall not hinder the development of nearby vacant properties or adversely affect their economic value.

Staff Response: It appears that the subject request will not adversely affect the economic value of surrounding properties.

h. Adequacy of land and/or building which are to be used.

Staff Response: It appears that the area is adequate in size for the subject request. The subject request is to ensure compliance to the Form Based Code and Land Use Regulations.

i. General compatibility or appropriateness with adjacent properties and other property in the district with special consideration given to the proposed hours of operation.

Staff Response: It appears that the proposed request is appropriate for the subject property and district.

j. Environmental quality of the district in which the use is proposed and the effect the special use permit might have on such quality.

Staff Response: It appears that there will be no negative impacts to the existing environmental quality of the district as a result of the subject request.

k. Consistency with the city's comprehensive plan.

Staff Response: It appears that the proposed sidewalk café is consistent with the Comprehensive Plan as the Comprehensive Plan encourages walkability and non-auto-oriented uses.

STAFF COMMENTS:

1. Planning Commission is encouraged to evaluate the request based on the provided criteria, as well as input from staff, the applicant, and the public.
2. It is in staff's opinion that the request is found to be consistent with the intent of Section 3.3.2.5 of the Land Use Regulations and the Design Element of the Comprehensive Plan.

Should the Planning Commission wish to recommend to City Council approval the subject request, staff recommends that the following stipulations be applied to the approval:

a. The sidewalk café is permitted no more than 7-tables and 28-chairs.
b. The approved Resolution, including the approved site plan and conditions shall be on display and accessible on the Property during business hours.
c. Within 30 days following the approval, the Property Owner shall execute an Indemnification Agreement in a form acceptable to the City.
d. After the business is closed, all furniture (7-tables and 28-chairs) must be stored in the alleyway located to the south of the building. The tables shall be placed adjacent to the building unit and the alleyway gates shall be secured when the business is closed.
e. Clear pedestrian access on the public sidewalk of no less than 5' shall be maintained at all times in a way that neither seating nor tables affect the ingress/egress of travel, the safety or pedestrian and traffic circulation.
f. The property/business owner shall obtain all State licenses permitting the sale of alcohol as part of the sidewalk café.
g. Any cleaning solution used to clean the sidewalk café area shall be approved by the Bradenton Public Works.
h. Any future increase in seating for the sidewalk café area shall be approved by City Council.

Respectfully submitted,



Gregory J. DeLong
Assistant Director of Planning & Community Development

EXHIBITS:

EXHIBIT "A": Location Map

EXHIBIT "B": Future Land Use Map

EXHIBIT "C": Zoning Map

EXHIBIT "D": Proposed Overall Project Site Layout

EXHIBIT "E": City Council Meeting Minutes (November 17, 2004)

EXHIBIT "A"
Location Map

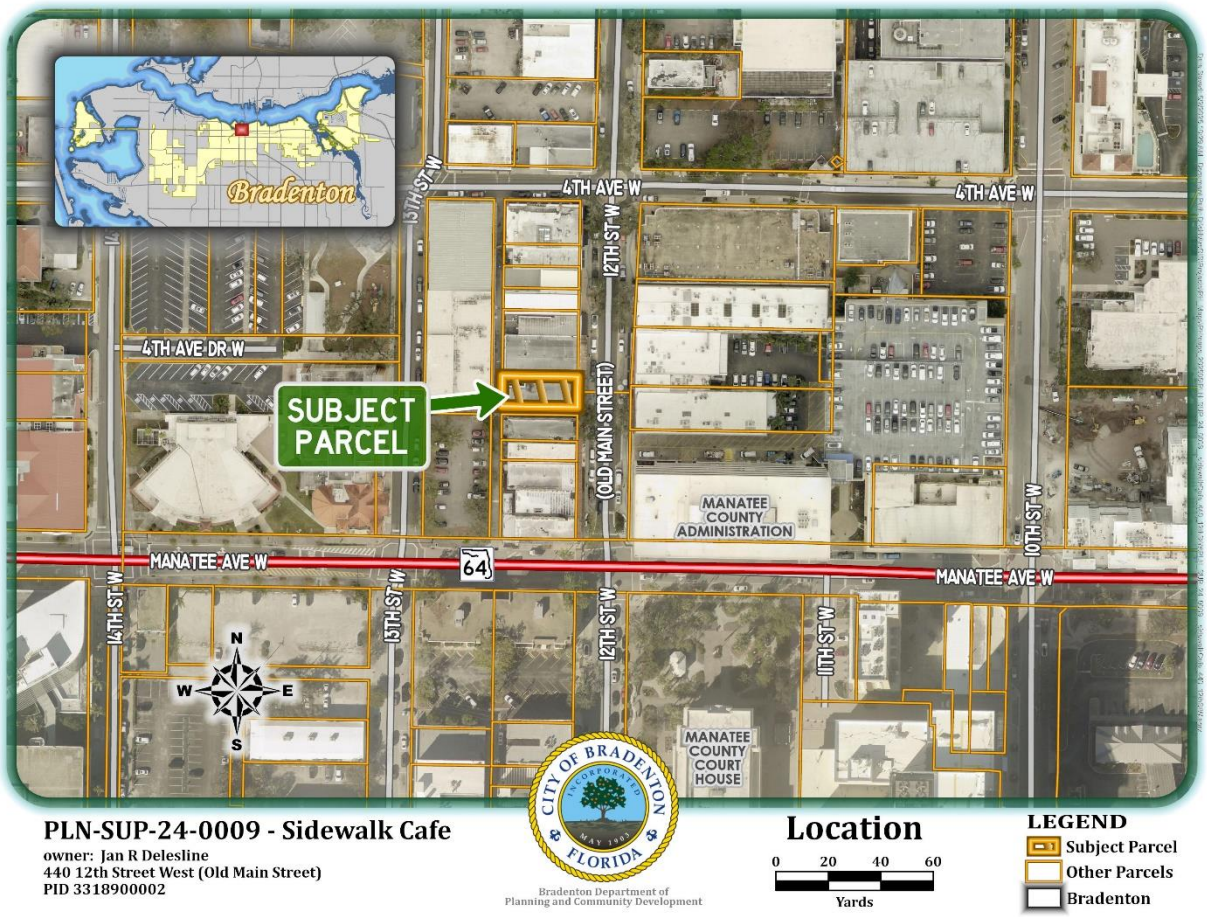


EXHIBIT "B"
Future Land Use Map

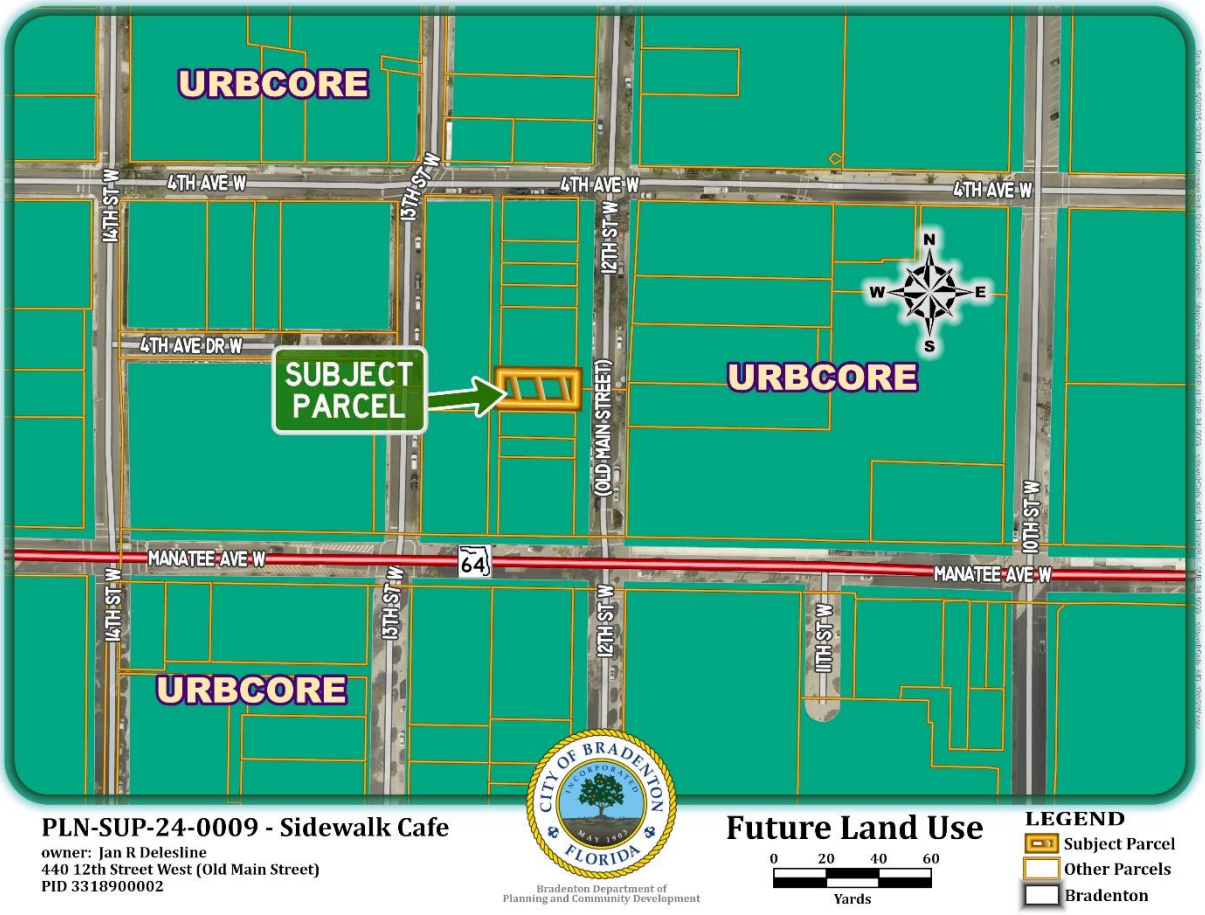


EXHIBIT "C"
Zoning Map

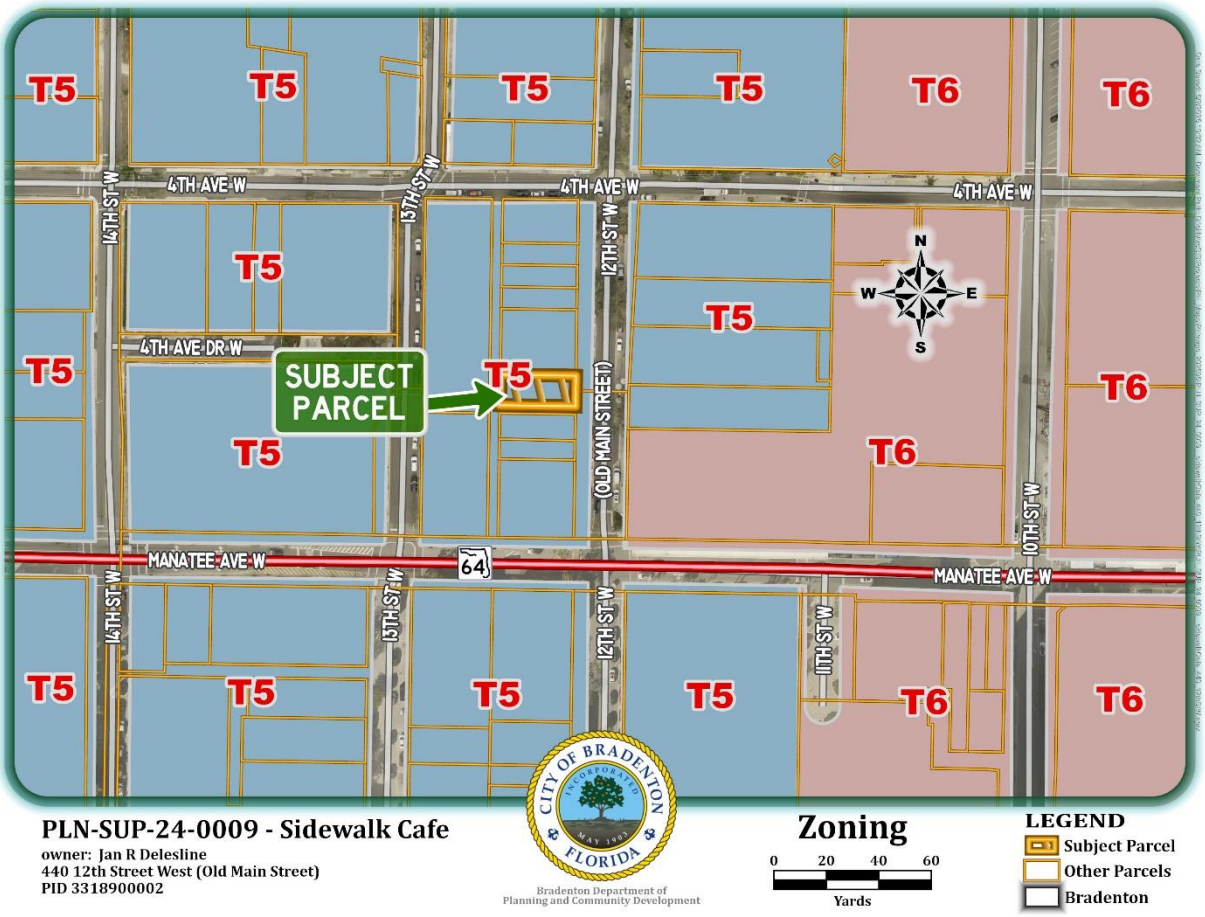


EXHIBIT "D"
Proposed Project Site Layout

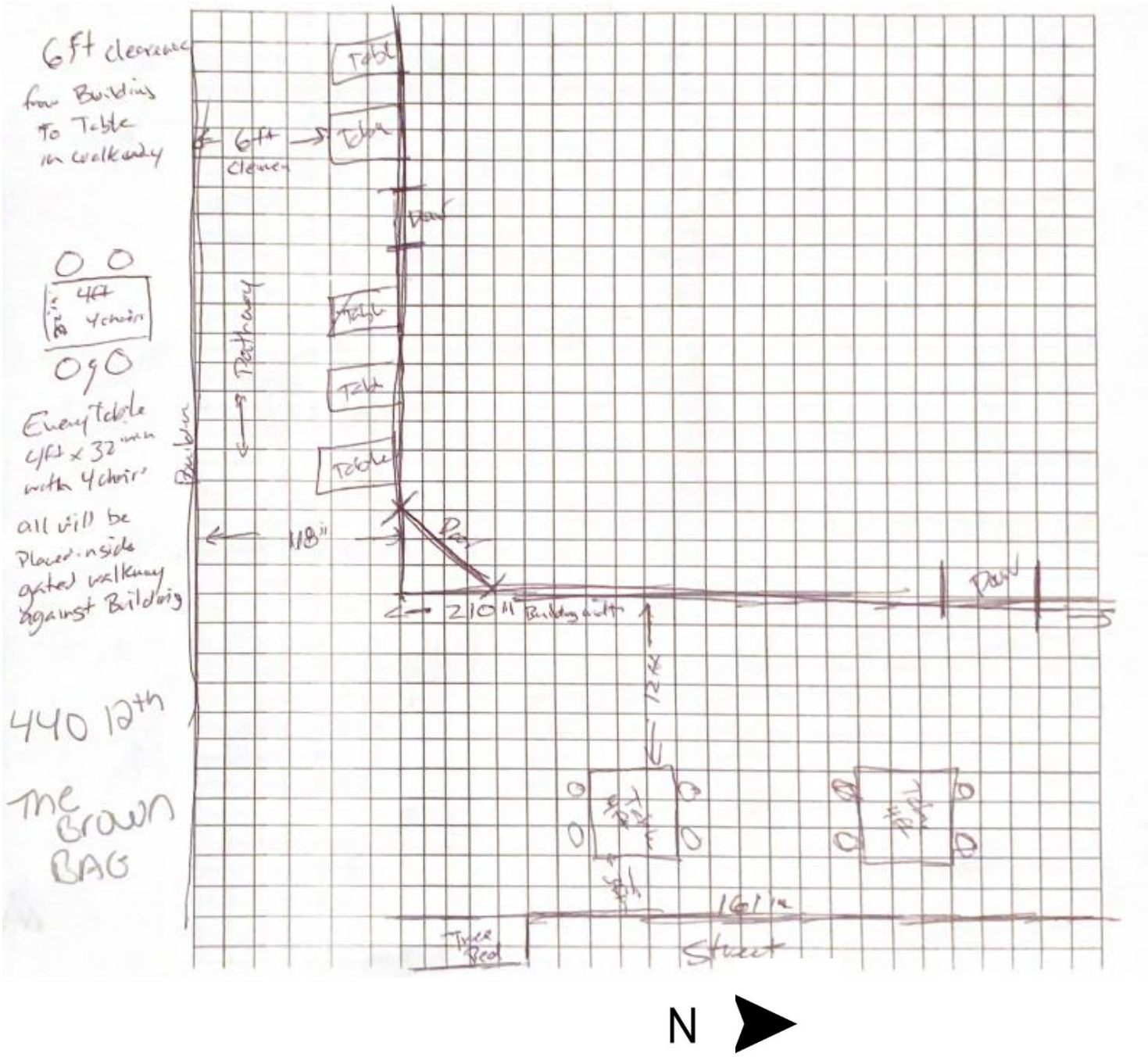


EXHIBIT "E"
City Council Meeting Minutes (November 17, 2004)

APPROVED BY

December 15, 2004

CITY COUNCIL

CITY COUNCIL MEETING
November 17, 2004

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on November 17, 2004 at 6:00 p.m.

Present: Councilman Ward I Gene Gallo, Councilwoman Ward II Marianne Barnebey Councilwoman Ward III Michele Weaver, Councilman Ward IV Bemis Smith and Vice-Mayor and Councilman Ward V James T. Golden.

City Officials: Wayne Poston, Mayor, Carl Callahan, City Clerk and Treasurer, John Cumming, Public Works Director, William Lisch, City Attorney, Mark Souders, Fire Chief, Michael Radzilowski, Police Chief, Larry Frey, Development Services Director, Staci Cross, Information Technology Director and Carolyn Moore, Human Resource Director.

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.
Invocation was led by Pastor Dee Graham, Transitions Church & Support Group.
Flag salute was led by Councilman Smith.

APPROVAL OF MINUTES:

APPROVAL OF MINUTES FOR OCTOBER 13, 2004.

No discussion followed.

MOTION TO APPROVE the October 13, 2004 minutes was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 for approval.

APPROVAL OF MINUTES FOR OCTOBER 27, 2004.

Councilman Gallo abstained from voting as he was absence from the October 27th meeting.

MOTION TO APPROVE the October 27, 2004 minutes was made by Councilwoman Weaver/Councilman Smith and carried 4-0 for approval.

PRESENTATION:

PUBLIC WORKS EMPLOYEE OF THE MONTH

Employee of the Month – **Jose Chavez** from the Solid Waste/Recycling Division.

Mr. Callahan administered the Oath to any individuals who wished to speak during the public hearings.

CITIZEN COMMENTS:

Scoop Davis and Janene Martin, representing the Tamiami Business Association, with the assistance of Mayor Poston, presented a plaque to **Bradenton Police Detective William McKnight** for his outstanding service and dedication to the Tamiami Business District Association.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Wished everyone a Happy Thanksgiving and remarked that we all had a lot to be thankful for.

Councilwoman Marianne Barnebey, Ward II: Announced that the Florida Department of Transportation would be holding an informational meeting at Sugg Middle School regarding intersection changes and street improvements on Cortez Road from 14th Street West to 59th Street West.

Councilwoman Barnebey invited everyone to the Jingle Bell Walk/Run on December 2nd, the Boat Parade on December 3rd, and December 4th for the Winter Wonderland Street Festival, a fun family event on Old Main Street.

Councilwoman Weaver, Ward III: Invited everyone to attend on "All that Glitter" a social event on December 1, 2004 at the Evolve Wellness Studio and Spa on Riverside Drive. She stated that proceeds from selling Christmas Gifts would be given to Meals on Wheels.

Councilwoman Weaver presented to Mayor Poston several "Keys to the City" from the 1960's donated by Betty Strickland, the widow of Bill Strickland, a previous Ward III Council person.

Councilman Bemis Smith, Ward IV: Nothing to report.

Vice Mayor Golden, Ward V: Nothing to report.

Mayor Poston: Announced that the Christmas tree and street lights on Barcarrota Boulevard would be lighted in a ceremony Friday, November 26, 2004.

Mayor Poston announced that the "Feed the Hungry" Mayor Program included Manatee and Sarasota County with proceeds serving both Counties'.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

7a) FIRST READING OF ORDINANCE #2770

AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES FOR THE CITY OF BRADENTON, FLORIDA, RELATING TO FIRE PREVENTION AND PROTECTION; PROVIDING FOR RECOGNITION OF FLORIDA FIRE PREVENTION CODE; PROVIDING REGULATIONS FOR PATH OF EGRESS; PROVIDING FOR APPLICATION TO PROPERTY OWNERS' PROPERTY AS WELL AS OTHERS; PROVIDING FOR CHANGES OF NAMES OF CODES; PROVIDING FOR CHANGE IN OCCUPANCY CLASSIFICATION; PROVIDING FOR REFERENCE OF STATE OF FLORIDA CHAPTER 471 OF FLORIDA STATUTES; PROVIDING AMENDMENTS OF

HEADINGS, REMOVING EXEMPTIONS FOR SMOKING AREAS; PROVIDING FOR WARNINGS AND FINES FOR FALSE ALARMS; PROVIDING FOR EXPANSION OF REQUIRED ACCESS OF FIRE APPARATUS; PROVIDING FOR REMOVAL OR MODIFICATION OF SPEED BUMPS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR ADDITIONAL REQUIREMENTS FOR AUTOMATIC VEHICLE ACCESS CONTROL GATES; PROVIDING FOR ADDITIONAL REQUIREMENTS FOR FIRE LANES; PROVIDING FOR REMOVAL OF REDUNDANT OR UNNECESSARY PHRASES; PROVIDING FOR ADDITIONAL CONDITIONS AND RESTRICTIONS ON MARKING OF OCCUPANCY FOR EMERGENCY USE; PROVIDING ADDITIONAL CONDITIONS AND RESTRICTIONS ON GENERAL REQUIREMENTS OF FIRE ALARM AND SYSTEM REQUIREMENTS; PROVIDING FOR ADDITIONAL CONDITIONS AND RESTRICTIONS FOR FIRE SPINKLER SYSTEMS; PROVIDING FOR ADDITIONAL APPLICATIONS OF CEASE AND DESIST ORDERS OR STOP WORK ORDERS; PROVIDING FOR ADDITIONAL PROHIBITED COOKING APPLIANCES AND HEATING DEVICES; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing on December 15, 2004 was made by Vice Mayor Golden/Councilwoman Weaver and carried 5-0 for approval.

7b) AX-04-0003 SECOND READING OF ORDINANCE 2767 PUBLIC HEARING

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 5716 21ST AVENUE WEST AND LEGALLY DESCRIBED.

Public hearing opened. Those in favor.

Stephen Thompson, representing the applicant requested approval and gave a brief description of the property to be annexed stating that the parcel would not create an enclave.

Those in opposition: Hearing none, public hearing closed.

Larry Frey stated that the Development Services Staff recommended approval with no stipulations.

MOTION TO APPROVE AX 04-0003, Ordinance 2767 was made by Councilman Gallo/Councilwoman Barnebey and carried 5-0 for approval.

7c) PR-04-0005 WARD 3 NEIGHBORHOOD 1.01 RS PUBLIC HEARING

Request of Mark A. Jonnatti, AIA, of Jonnatti Architecture Inc., agent for Point Pleasant Partners, LLC, owner for preliminary approval for a 17 unit residential Planned Development Project on the property located at 1618 and 1720 1st Avenue West. (Zoned R-3B)

Public hearing was opened. Those in favor.

Ed Vogler, representing the applicant gave a brief description of the three story project and displayed renderings showing the building site plan with landscape design.

Gary Schmeikel, of Point Pleasant Partners LLC, owner of the property stated that most of the neighbors surrounding this project had voiced their approval of the planned upscale project which would replace two dilapidated houses.

John Moody, John Moody & Associates, Landscape Architecture gave a brief description of the landscaped planned for the project.

Richard Stagner, Point Pleasant resident, representing the Historical Point Pleasant Home Owners Association, **Barbara McGould, Linda Hale**, **Judith Alvis** and **Sheila Leach**, Point Pleasant residents, spoke in favor of the project stating that the developer was working hard to meet the concerns voiced by the neighborhood residences. They stated that the project would remove old dilapidated homes and begin to revitalize this area not only aesthetically but also increase the value of the homes.

Those in opposition.

Debra Schreiber, Point Pleasant resident, representing other Point Pleasant residents voice her concerns that the development was inconsistent with the Comprehensive Plan and was incompatible with existing surrounding homes.

Ed Vogler, in rebuttal, addressed the deed restrictions stating the developers owned the property with an insured title with no restrictions. He addressed the compatibility, as the units removed were multi family units and that the historical issues of buildings were in extreme disrepair and would cost an exorbitant amount to renovate.

Lengthy discussion: Historical preservation, set back requirements, deed restrictions, tree removal and on-street parking for the development.

Questions were asked by Council and answers given by Larry Frey, Matt McLachlan, Ruth Seewer and Chief Souders regarding zoning, set backs, curb cuts, on-street parking and emergency vehicles accessibility.

Public hearing closed.

Larry Frey stated that the project met the City's Land Use Regulations requirements for parking spaces and stated that stipulation six (6) could be eliminated as no parking on the street already had a limitation of parking on one side of the street as this was a fire access issue.

Larry Frey stated that the Department of Development Services staff and the Planning Commission recommended approval with **four (4) stipulations**.

1. Add note to site plan that entry signage shall not exceed 32 square feet.
2. Add note and detail to landscape plan that "a root control barrier would be placed on all live oaks indicated within 1 foot of the masonry wall and sidewalks.
3. Add note to site plan that the swimming pool would be enclosed according to the requirements of Section 501(B)(2)(b) and (c).
4. The applicant would make repairs to existing sidewalks on subject property (in the first quarter of 2005).

The Planning Commission recommended **two additional stipulations**.

5. Utilities would be buried underground.

Larry Frey stated that the Department of Development Services staff did not recommend the following Planning Commission stipulation:

~~6. No on-street parking would be allowed on either side of 1st Avenue West between 17th Street West and 18th Street West.~~

MOTION TO APPROVE PR-04-0005 as recommended by the Department of Development Services staff and Planning Commission with five (5) stipulations was made by Councilwoman Weaver/Vice Mayor Golden and carried 5-0.

7d) MA-04-0004 WARD 4 NEIGHBORHOOD 20.03 RS PUBLIC HEARING

Request of Jerry Zoller, agent for Bright House Networks, owner for a major amendment to a Planned Development Project to allow outdoor storage on the property located at 5413 S.R. 64 East. (Zoned PDP)

Public hearing was opened. Those in favor.

Stephen Thompson, attorney and **Jerry Zoller,** agents for Bright House Networks, displayed renderings and gave a brief detail of the project for a 39,000 square foot outdoor storage facility behind the existing Bright House Building.

Lengthy discussion: Retention pond, fence height, landscaping and the distance of storage facility from State Road 64.

Larry Frey commented that he would like to see some guidelines implemented in this area which was the east corridor into the city.

Those in opposition. Hearing none. Public hearing closed.

Ruth Seewer, Development Review Manager addressed the Planning Commission stipulation regarding stipulation #2 that the use would be reviewed in two years as this would be a way to check on the outside storage and its use because of the concerns voiced by the Planning Commission.

Larry Frey gave the Department of Development Services staff report and stated that the staff recommended denial of the project based on the following **three (3) Findings of** Fact:

1. The proposed amendment was inconsistent with the Comprehensive Plan.
2. The light industrial nature of proposed outdoor storage was incompatible with the surrounding commercial /professional businesses and the adjoining residential/ agricultural uses.
3. Typically outdoor storage was not compatible with the architectural themes desired by the city for this corridor.

Larry Frey recommended revising #2 as followed: The outdoor use would be 100% opaque from public view.

The Planning Commission recommended approval with the following **three (3) stipulations:**

1. Southwest Florida Water Management District approval was required.
~~2. The use would be reviewed in two (2) years~~ (replaced with:)
2. The outdoor use would be 100% opaque from public view.
3. No stored materials would extend higher than the fence.

Motion for denial as recommended by the Department of Development Services staff with concerns for outdoor storage facilities in this corridor on State Road 64 was made by Councilman Smith and died for a lack of second.

Discussion: A previous Council approval for a storage facility on State Road 64 on the west side of town in Ward I had set precedence.

Councilwoman Barnebey voiced her concern for setting precedence in this corridor of the city and would not support the motion for approval.

MOTION TO APPROVE MA-04-0004 as recommended by the Planning Commission with three (3) stipulations to include changing #2 stipulation per Larry Frey was made by Councilman Gallo/Vice Mayor Golden and carried 3-2 with Councilwoman Barnebey and Councilman Smith in opposition.

7e) AB-04-0005 WARD 1 NEIGHBORHOOD 4.07 RS PUBLIC HEARING

Request of Robert Woodson of Woodson Brothers' Seafood Grille, owner, for the expansion of a 4-COP/SRX license (sale of beer, wine and liquor for consumption on premises) for outdoor seating on the property located at 7423D Manatee Avenue West (Zoned C-1)

Public hearing was opened. Those in favor.

Steve Lewis, representing the Woodson Brothers restaurant requested approval for outdoor seating to provide a designated smoking area and to serve alcohol outside.

Those in opposition. Hearing none. Public hearing closed.

Ruth Seewer gave the Department of Development Services staff report and stated that the Department of Development Services staff and Planning Commission recommended approval with the following **five (5) stipulations**:

1. A four foot fence or rail would be installed around the deck.
2. Landscaping, which met the approval of the Department of Development Services Director, would be installed prior to occupancy of the deck.
3. No outdoor speakers were permitted.
4. The deck hours of operation would not extend past midnight.

The Planning Commission added an additional **one (1) stipulation** as followed:

5. The deck would meet the egress requirements of the Fire Department.

MOTION TO APPROVE AB 04-0005 as recommended by the Department of Development Services and Planning Commission with five (5) stipulations was made by Councilman Gallo/Councilwoman Barnebey and carried 4-1 for approval with Vice Mayor Golden in opposition.

Councilman Gallo requested Bill Lisch to draft an ordinance to repeal the current requirements for the applicant to have to come before Council for this type of request.

7f) AB-04-0008 WARD 4 NEIGHBORHOOD 1.01 RS PUBLIC HEARING

Request of Michael Gold, agent for John DeLesline, owner, for alcoholic beverage approval for a 2-COP (sale of beer and wine for consumption on premises) on the property located at 440 Old Main Street. (Zoned C-1)

7g) SU-04-0008 WARD 4 NEIGHBORHOOD 1.01 RS PUBLIC HEARING

Request of Michael Gold, agent for John DeLesline, owner for Special Use approval to operate The B' Towne Coffee Co., a Bar and Lounge for the property located at 440 Old Main Street. (Zoned C-1)

Public hearing was opened. Those in favor.

Michael Gold, part owner of The B' Towne Coffee Co., requested approval to sell alcoholic beverages and for a special use for an outdoor café to use the front sidewalk and adjacent alley way next to the establishment adding seven (7) tables with chairs.

Chief Souders stated that there would not be a problem regarding emergency access if the alley was utilized with tables and chairs.

Larry Frey stated that the subject property was in compliance with the 300 foot distance from the principle main entrance of the church to the front door of the business establishment.

Lengthy discussion: Concerns as to what was considered the main entrance of the principle building of worship.

Lengthy discussion: Closing off the west end of the alley and utilizing the alley way with additional tables with chairs.

Councilman Gallo stated he would not support a motion to approve the alcohol license as the 300 foot requirement encroached the main entrance of the Family Life Center building on 13th Street West. He stated that he would not support the additional tables in the alley way.

Councilwoman Weaver stated she would support utilizing the alley way with additional two (2) tables and not seven (7) tables.

John Delesline, agent for the owner, suggested to place a screen wall in the back of the alley with a dumpster to enclosed the alley way.

Greg Smith, part owner of The B' Towne Coffee Co., stated that the alcohol sales would be very minimal and that he wanted to compete with other merchants when there were public events in the downtown area.

Those in opposition.

Rick Lineberger, Pastor of the First Baptist Church and **David Anderson**, Assistant Pastor of the First Baptist Church voiced their concern that their sanctuary was only used twice a week when the Family Life Center was used seven days a week and that alcohol consumption would be a negative impact as the Family Life Center was very close to the subject establishment.

Public hearing closed.

Larry Frey gave the staff report with the Department of Development Services staff and Planning Commission recommendation for approval with **five (5) stipulations** and an additional language added to #3 (underlined) as followed:

1. The outdoor seating area would be cleaned daily.
2. Sanitation facilities would meet the approval of the Public Works Department.
3. Only two tables would be permitted on the east side of the alley plus an additional six (6) tables used only for pastry and coffee.
4. Sidewalk access would be maintained at a minimum of four (4) feet at all times.
5. All tables and chairs would be stored inside when the business was closed.

Councilman Smith voiced his concern for setting precedence downtown and did not believe that by adding two tables in the alley way would violate the 300 foot requirements.

Councilwoman Barnebey voiced her concern to protect the youth but to also create a viable downtown for the public to come and enjoy the downtown area.

Councilwoman Barnebey commented on an article she had read regarding how much property churches could purchase in the downtown area creating an incompatible situation such as this one.

MOTION TO APPROVE SU-04-0008 and AB 04-0008 as recommended by the Department of Development Services and Planning Commission with five (5) stipulations with an addition to stipulation #3 was made by Councilman Smith/Councilwoman Weaver and carried 3-2 with Councilman Gallo and Vice Mayor Golden in opposition.

7h) SU-04-0009 WARD 5 NEIGHBORHOOD 1.03/1.04 MM PUBLIC HEARING

Request of Eugene & Berthenia Mays, owner of the Zion Academy of Florida, for Special Use approval for the church to add a Church Boarding School at the property located at 202 21st Avenue West. (Zoned R-3A)

Public hearing was opened. Those in favor.

Berthenia Mays, owner of the Zion Academy, gave a brief detail of her existing boarding school which currently boarded for young people and for homeless youth. She stated that the school currently provided for thirteen children.

Fire Marshal Dave Dobrzykowski gave a brief report on the building code and life safety code regarding the classification pertaining to this residential type dormitory. He stated that the facility was not classified as a senior citizen health care facility.

Discussion: That the existing facility was not in compliance with building and life safety codes and that the building could not be insured which created a liability issue.

Discussion: Space requirements needed to house a number of children. That the kitchen had a residential oven which did not comply with the fire code.

Discussion: Modifications needed to the site plan to provide the space requirements for a number of children for boarding and to be used as a school facility.

Discussion: Reference of a letter received from Gibbs Law Firm in Seminole, Florida dated November 5, 2004 discussing the Special Use Permit Application with their interpretation of the City code requirements.

Chief Souders gave a brief report as to the applicant not being in compliance with the City codes and that the applicant had chosen to ignore the fire departments request to come into compliance and that she needed to abide rather quickly.

Chief Souders stated that he would be glad to meet with Mrs. Mays as to what could be done quickly to come in compliance and to work toward a program to resolve other issues currently in violation in a timely manner.

Chief Souders stated that his job was to aid the applicant and not jeopardize the children's life and safety with a facility that was not in compliance.

Those in opposition.

Patrice Poolen, parent of children who had attended Zion Academy stated that the facility was not being used for what it was intended for. She stated children who attended this facility could not function as adults in the community.

Dee White, representing the "Voice's for Children from within", and a previous preschool teacher at Zion Academy, expressed her concern that the academy was not an accredited school and listed various complaints regarding hours of operation, hiring unqualified teachers, withheld salaries from the staff and that the school had moved several times in the last few years.

Vivian Martinez, a student who had attended Zion Academy voiced her concern that the academy was not an accredited school and that she was held back when she enrolled in a different accredited school.

Public hearing closed.

MOTION TO TABLE request SU-04-0009, indefinitely, was made by Vice Mayor Golden/Councilwoman Barnebey and carried 3-2 with Councilman Gallo and Councilwoman Weaver in opposition.

7i) MA-04-0005 WARD 4 NEIGHBORHOOD 20.04 RS PUBLIC HEARING
Request of Jerry Zoller, agent for Bradenton 64, Inc., owner for a major amendment to the Planned Development Project located at 5202 S.R. 64 East. (Zoned PDP)

Public hearing was opened. Those in favor.

Caleb Grimes, representing Bradenton 64, Inc. gave a brief description of the project and displayed renderings of an expansion for the Goodyear Center located on State Road 64.

Those in opposition. Hearing none. Public hearing closed.

Ruth Seewer, Development Review Manager gave the staff report and stated the Department of Development Services staff recommended approval with **four (4) stipulations** as followed: Stipulation one (1) had already been completed.

1. ~~A noise study would be provided prior to the City Council Meeting.~~ (COMPLETED)
2. A decorative wood fence would be constructed along the north side of the wetland form the 35-foot setback line to the dumpster. North of the fence, the oak trees as indicated would be four (4) inch diameter at breast height. In between the trees and the proposed continuous 2-foot high hedge would be a tier of landscape materials planted at three (3) feet in height and allowed to reach a mature height of five (5) feet.
3. Hours of operation would be 8:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 5:00 p.m. Saturday, closed Sunday.
4. Outside storage or display was prohibited.

The Planning Commission recommended approval of the **four (4) stipulations** and added **two (2) additional stipulations** as followed:

5. Architectural components of the Goodyear building would be similar to that of the shopping center.

6. Signage would be allowed only as approved in the original Planned Development Project.

MOTION TO APPROVE MA-04-0005 as recommended by the Department of Development Services staff and Planning Commission with five (5) stipulations was made by Councilman Smith/Councilwoman Barnebey and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Carl Callahan

8a) A REQUEST from Saint Stephens School and the Bradenton Runners Club to hold a 5K "Falcon Run" on February 12, 2005 with partial street closures throughout the neighborhood to start and finish on 1st Avenue West.

No discussion followed.

MOTION TO APPROVE the request from Saint Stephens School and the Bradenton Runners Club was made by Councilwoman Barnebey/Councilwoman Weaver and carried 5-0 for approval.

8b) A REQUEST from Pastor John Nolte with Lighthouse Gospel Fellowship, to hold Worship Services at the Amphitheater at Rossi Park each Sunday morning from 10:00 a.m. to 11:30 a.m. for the boater's at Twin Dolphin Marina and the Riverside Marina in Palmetto.

Mr. Callahan stated due to any future potential conflict he recommended a week by week use of the amphitheater instead of reserving every Sunday.

Discussion: Concerns for reserving the Amphitheater on a weekly basis and limiting the availability of the amphitheater for public use as it was intended for.

Pastor Nolte gave a brief detail of the Sunday worship service and requested approval to use the amphitheater each week on Sunday.

The Council agreed as recommendation by Mr. Callahan and requested Pastor Nolte to call the City Clerk's office each week to see if the amphitheater was reserved for the following Sunday.

NO ACTION WAS TAKEN.

8c) MBV Transport, Inc. – Vehicle for Hire

Mr. Callahan stated that he had reviewed the application and recommended approval of the request.

No discussion followed.

MOTION TO APPROVE the Vehicle for Hire request as recommended by Mr. Callahan was made by Councilman Gallo/Vice Mayor Golden and carried 5-0 for approval.

8d) RESOLUTION 04-48

A RESOLUTION APPOINTING ALLEN PREWITT, ALLEN YEARICK AND CARLOS ESCALANTE TO THE PLANNING COMMISSION FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING THEIR TERM.

Discussion: Members living outside the city limits.

MOTION TO APPROVE Resolution 04-48 was made by Councilman Gallo/Councilman Smith and carried 5-0 for approval.

8e) RESOLUTION 04-51

A RESOLUTION REAPPOINTING GERALD FISHER TO THE CODE ENFORCEMENT BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.

No discussion followed.

MOTION TO APPROVE Resolution 04-51 was made by Councilwoman Barnebey/Councilwoman Weaver and carried 5-0 for approval.

8f) MANATEE GLENS CORPORATION REVENUE BOND

Mr. Callahan gave a brief explanation of the request to assist with an industrial revenue bond requested from Mark Raymond, attorney for Manatee Glens Corporation.

Mr. Callahan asked if the Council wanted to proceed with authorizing a resolution for this request at the next Council meeting.

Mr. Callahan stated that the City was only assisting in acquiring funding and that the City would not be responsible financially to pay back the bond.

ACTION: The Council had no objections with proceeding with assisting Manatee Glens Corporation in obtaining funding for an industrial revenue bond.

Larry Frey

a) RESOLUTION 04-49 PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA (ACTING AS THE SECTION HOUSING AGENCY BOARD) ADOPTING THE CITY OF BRADENTON SECTION 8 FIVE-YEAR ANNUAL STREAMLINED PLAN AND ADMINISTRATIVE PLAN.

Public hearing opened, those in favor.

Jeana Winterbottom, Grants and Assistance Manager requested approval and gave a brief detail of the Five Year Annual Streamline and Administrative Plan.

Those in opposition, hearing none, public hearing closed.

MOTION TO APPROVE Resolution 04-49 was made by Councilman Smith/Vice Mayor Golden and carried 5-0 for approval.

b) INTERLOCAL AGREEMENT FOR ANALYSIS OF IMPEDIMENTS FOR FAIR HOUSING

Mr. Frey gave a brief explanation of the Interlocal Agreement between Manatee County and the City of Bradenton for an Analysis of Impediments for Fair Housing Study.

Bill Lisch read the following:

RESOLUTION 04-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, OF INMPEDIMENTS FOR FAIR HOUSING; PROVIDING AN EFFECTIVE DATE.

No discussion followed.

MOTION TO APPROVE the Interlocal Agreement between Manatee County and the City of Bradenton for an analysis of Impediments for Fair Housing Study and Resolution 04-53 was made by Councilman Smith/Councilman Gallo and carried 5-0 for approval.

c) NOTICE OF AVAILABILITY
2003-04 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT – CDBG

Mr. Callahan read the following public notice:

Notice is hereby given that the City of Bradenton has prepared its Consolidated Annual Performance Evaluation Report (CAPER) report for the Community Development Block Grant Program for fiscal year commencing October 1, 2003 and ending September 30, 2004.

A public hearing will be held on Wednesday, December 15, 2004, at 6:00 P.M. in City Council Chambers at City Hall, 101 Old Main Street, to consider oral and written comments on the Community Development Block Grant Program Consolidated Annual Performance Evaluation Report (CAPER).

Commencing November 12, 2004 through December 15, 2004, the CAPER will be available for public inspection during regular business hours at the following locations:

1. City Clerk's Office located in City Hall at 101 Old Main Street, Bradenton, FL
2. Community Development Office located at 912 7th Avenue East-2nd floor, Bradenton, FL
3. Manatee County Library located at 1301 Barcarrota Boulevard, Bradenton, FL, ,

The report will be filed with U.S. Department of Housing and Urban Development no later than December 31st, 2004. Any public comments will become a part of the report and mailed to HUD. Written comments to the plan may be submitted to the Community Development Office located at 912 7th Avenue East, Bradenton, FL 34208 prior to or in lieu of attending the public hearing and should be received prior to December 8th, 2004 to be included in City Council agenda packet for December 15th, 2004 City Council meeting and public hearing. Please contact Susie Copeland at (941) 714-7507 or Rose Rome at (941) 714-7518 should you have questions or need additional information.

NO ACTION WAS TAKEN.

DEPARTMENT HEADS:

Carl Callahan

Mr. Callahan read the following:

RESOLUTION 04-52

A RESOLUTION REAPPOINTING RONNIE PORTEE, H. EUGENE BAY, SGT. WARREN MERRIMAN TO THE GRANTS AND ASSISTANCE COMMUNITY RELATIONS BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING THEIR TERM.

No discussion followed.

MOTION TO APPROVE Resolution 04-52 was made by Councilwoman Weaver/Councilman Smith and carried 5-0 for approval.

BRADENTON POLICE DEPARTMENT BUDGET REQUEST

Mr. Callahan, on behalf of Chief Radzilowski, recommended approval and the authorization of a part time maintenance position, as a replacement for the trustee program, at an approximate annual salary of $10,000.

No discussion followed.

MOTION TO APPROVE the recommendation by Carl Callahan was made by Councilman Gallo/Councilman Smith and carried 5-0 for approval.

Mr. Callahan read the following:

FIRST READING OF ORDINANCE 2771

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING SECTION 50-39(a) OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, RELATING TO PENALTIES FOR OVERTIME PARKING VIOLATIONS BY REDUCING THE FINE FOR OVERTIME PARKING IN A NON-METERED SPACE; PROVIDING AN EFFECTIVE DATE.

Bill Lisch added that the language in the ordinance heading could be changed stating, "...by reducing or modifying the fines for overtime parking in a non-metered space; providing an effective date."

Discussion: Changing the effective date on the previous Ordinance # 2766.

Councilwoman Barnebey asked if the police department could hire a collection agency to recoup monies of an estimated amount of $140,000 over a 10 year period owed in parking tickets.

Major Tokajer stated that the police department just contracted with a company to collect these fines.

Major Tokajer recommended changing the ordinance which presently allowed the agency to tow a vehicle with ten or more unpaid violations to three or more unpaid violations. Major Tokajer stated that the three or more unpaid violations would trigger the Department of Motor Vehicles to stop a subject from renewing the vehicle registration under the State Stop Plan.

Discussion: New computer system would track repeat offenders and unpaid fines.

MOTION TO APPROVE the first reading and set the second reading and public hearing for December 15, 2004 for Ordinance 2771 was made by Councilman Gallo/Councilman Smith and carried 5-0 for approval.

Chief Souders

Nothing to report.

Major J.J. Lewis

Nothing to report.

Staci Cross

Excused absence.

John Cumming

Mr. Cumming gave a brief update of a new Verison telephone service which would affect about 16,000 homes in the city with new underground lines.

Larry Frey

Nothing to report.

Bill Lisch

Nothing to report.

Discussion: What constituted a sufficient official noticed meeting when several Council members attend a meeting requested by an association or organization?

Discussion: Giving proper notice to the public.

Mr. Callahan stated that Bill Lisch and he would draft a short brief regarding this issue.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 2:50 p.m.

NOTE: This is not a verbatim record. An audio CD recording of the meeting is available upon request.

AGENDA ITEM NO. 6.b

Item Cover Page

PLANNING COMMISSION MEETING AGENDA ITEM REPORT

DATE: May 21, 2025

SUBMITTED BY: Greg DeLong, Planning & Community Development

ITEM TYPE: Resolution

AGENDA SECTION: **AGENDA ITEMS**

SUBJECT: **Resolution 25-58; Case PLN-SUP-24-0010:** Request for a Special Use Permit to allow for a sidewalk café with alcoholic beverage sales; to be located at 313 12th Street West (Parcel ID 3295000008) in the T5 (Urban Center) transect zoning district. Application filed by Joseph Bennett (agent) for 31312 LLC (owner).

SUGGESTED ACTION: Motion to recommend to City Council either approval or denial of Resolution 25-58, Case PLN-SUP-24-0010.

If the action is to approve, the following are recommended stipulations for approval:

a. The approved Resolution, including the approved site plan and conditions shall be on display and accessible on the Property during business hours.
b. Within 30 days following the approval, the Property Owner shall execute an Indemnification Agreement in a form acceptable to the City.
c. No more than 3 picnic tables may remain on the sidewalk when the business is closed. The tables shall be placed adjacent to the building.
d. Clear pedestrian access on the public sidewalk of no less than 5’ shall be maintained at all times in a way that neither seating nor tables affect the ingress/egress of travel, the safety or pedestrian and traffic circulation.
e. The property/business owner shall obtain all State licenses permitting the sale of alcohol as part of

the sidewalk café.

f. Any cleaning solution used to clean the sidewalk café area shall be approved by the Bradenton Public Works.
g. Any future increase in seating for the sidewalk café area shall be approved by City Council.

Is this item Quasi-Judicial?
Yes

Does this item require a public hearing?
Yes

EXPLANATION:
The applicant has submitted a Special Use Permit application requesting permission to allow a sidewalk cafe with alcoholic beverages at 313 12th Street West.

While a sidewalk cafe has been in place at the subject property, the subject Special Use Permit will ensure compliance to City of Bradenton's Form Based Code and Land Use Regulations, should approval be granted by City Council.

FINANCIAL IMPACT:
N/A

ATTORNEY REVIEW/RECOMMENDATION:
Reviewed by City Attorney Rudacille.

SUGGESTED MOTION:
Motion to recommend either approval or denial of Resolution 25-58 with stipulations recommended by staff.

ATTACHMENTS:
Resolution 25-58 (DRAFT).pdf
Application.pdf
Staff Report.pdf

RESOLUTION 25-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, GRANTING SPECIAL USE PERMIT NO. PLN-SUP-24-0010 TO PERMIT A SIDEWALK CAFÉ WITH ALCOHOLIC BEVERAGE SALES FOR PROPERTY LOCATED AT 313 12TH STREET WEST, BRADENTON, FLORIDA (PARCEL ID NO 3295000008), IN THE T5 URBAN CENTER TRANSECT ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 31312 LLC (the "Property Owner" or "Applicant") owns the property located at 313 12th Street West, Bradenton, Florida (Parcel ID No 3295000008), more particularly described in Exhibit "A" (the "Property"); and

WHEREAS, the City of Bradenton Comprehensive Plan's Future Land Use Map designates the Property as Urban Core (URBCORE); and

WHEREAS, the City of Bradenton Official Zoning Map classifies the Property under the (T5) Urban Center – Transect Zoning District; and

WHEREAS, the City of Bradenton Form Based Code, Table 4.7, identifies uses in the T5 transect zoning district; and

WHEREAS, the City of Bradenton Form Based Code, Table 4.7, identifies Café/Sidewalk Café with less than 20 seats as a permitted use in the T5 transect zoning district; but stipulates that City Council approval may be required per the Land Use Regulations; and

WHEREAS, the City of Bradenton Land Use Regulations, Section 4.3.11.4, states that alcoholic beverage sales served as part of any sidewalk café on public property shall require City Council approval; and

WHEREAS, the Property Owner submitted an application for a Special Use Permit to permit a sidewalk café with alcoholic sales; and

WHEREAS, the Planning Commission held a noticed public hearing on May 21, 2025, at which the Commission received testimony and evidence from the applicant and City Planning staff; and

WHEREAS, the City Council held a noticed public hearing on June 11, 2025, at which the Council received testimony and evidence from City Planning staff and members of the public in attendance.

NOW, THEREFORE, the City Council makes the following Findings of Fact and Conclusions of Law and issues the Final Order as follows:

Section 1. Findings of Fact and Conclusions of Law. After considering the evidence on the record and that presented at public hearing, including the staff report and the recommendation of the Planning Commission, the City Council hereby makes the following Findings of Fact and Conclusions of Law:

a. The Whereas clauses contained herein are hereby adopted as Findings of Fact.
b. The Property Owner is requesting approval of a Special Use Permit to operate a sidewalk café with alcoholic sales, as shown on the Site Plan attached hereto as Exhibit "B".
c. The City's professional staff determined that with the proposed stipulations, the project is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.
d. The City's professional staff recommended stipulations to consider for an approval.
e. The Planning Commission, which is designated as the local planning agency, determined that with the proposed stipulations, the project is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.
f. The Planning Commission recommended approval with stipulations.
g. The proposed use meets the review criteria in Section 3.3.2 of the City Code as follows:

    1. The tract of land is suitable for the type of use proposed by virtue of its location, topography, shape, and the nature of surrounding development. See 3.3.2.1.
    2. Access points are located so as to best suit the use and property. Wide spacing between access points and intersecting streets should be required when feasible. See 3.3.2.2.
    3. All buildings are located an adequate distance from property lines and streets. See 3.3.2.3.
    4. Permanent screening, such as walls, fences, hedges, and other barriers, are not needed to protect surrounding properties from view of the premises or noises from the use. See 3.3.2.4.
    5. Adequate ingress and egress is provided to property and proposed structures with particular regard for automobiles and pedestrian safety and convenience, traffic generation, flow and control and emergency access. See 3.3.2.5.
    6. Location and design of off-street parking and loading areas in regard to the items in "a." above and the smoke, noise, glare, dust, vibrations, fumes, pollution and other effects of the use on adjoining properties is adequate for the proposed use. See 3.3.2.5.

7. Location and design of refuse and service areas are sufficient in regard to availability, adequacy and effect upon surrounding properties. See 3.3.2.5.
8. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties are provided. See 3.3.2.5.
9. Screening, buffering or separation of any nuisance or hazardous feature of the use are not needed for the proposed use. See 3.3.2.5.
10. Proposed signs and exterior lighting are adequate with reference to glare, traffic safety and compatibility and harmony with surrounding properties. See 3.3.2.5.
11. Effect upon the value of surrounding properties; the use will not hinder the development of nearby vacant properties or adversely affect their economic value. See 3.3.2.5.
12. The land and/or building which are to be used are adequate for the proposed use. See 3.3.2.5.
13. The proposed use is compatible and appropriate with adjacent properties and other property in the district with special consideration given to the proposed hours of operation. See 3.3.2.5.
14. The proposed use will not affect the environmental quality of the district. See 3.3.2.5.
15. The proposed use is consistent with the City's comprehensive plan. See 3.3.2.5.

Section 2. Permit. Based upon the foregoing, a Special Use Permit is hereby approved and issued for the Property, to allow for a sidewalk café with alcoholic sales for a maximum of 3 picnic tables, as generally shown on the Site Plan attached hereto as Exhibit "B", subject to the following stipulations:

a. The approved Resolution, including the approved site plan and conditions shall be on display and accessible on the Property during business hours.
b. Within 30 days following the approval, the Property Owner shall execute an Indemnification Agreement in a form acceptable to the City.
c. No more than 3 picnic tables may remain on the sidewalk when the business is closed. The tables shall be placed adjacent to the building.
d. Clear pedestrian access on the public sidewalk of no less than 5' shall be maintained at all times in a way that neither seating nor tables affect the ingress/egress of travel, the safety or pedestrian and traffic circulation.
e. The property/business owner shall obtain all State licenses permitting the sale of alcohol as part of the sidewalk café.
f. Any cleaning solution used to clean the sidewalk café area shall be approved by the Bradenton Public Works.
g. Any future increase in seating for the sidewalk café area shall be approved by City Council.

Section 3. State and Federal Permits. Issuance of this development permit by the City does not in any way create any right on the part of the Applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. The Applicant must obtain all applicable state and federal permits before commencing development or use.

Section 4. Severability. In the event that any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Resolution which shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall be effective upon adoption.

ORDERED ON BEHALF OF THE CITY OF BRADENTON THIS 11th DAY OF JUNE 2025.

THE CITY OF BRADENTON, BY AND THROUGH THE CITY COUNCIL OF THE CITY OF BRADENTON

ATTEST:

_____ _____

Tamara Melton
CITY CLERK

Gene Brown
MAYOR

APPROVED AS TO FORM:

_____
Scott Rudacille
CITY ATTORNEY

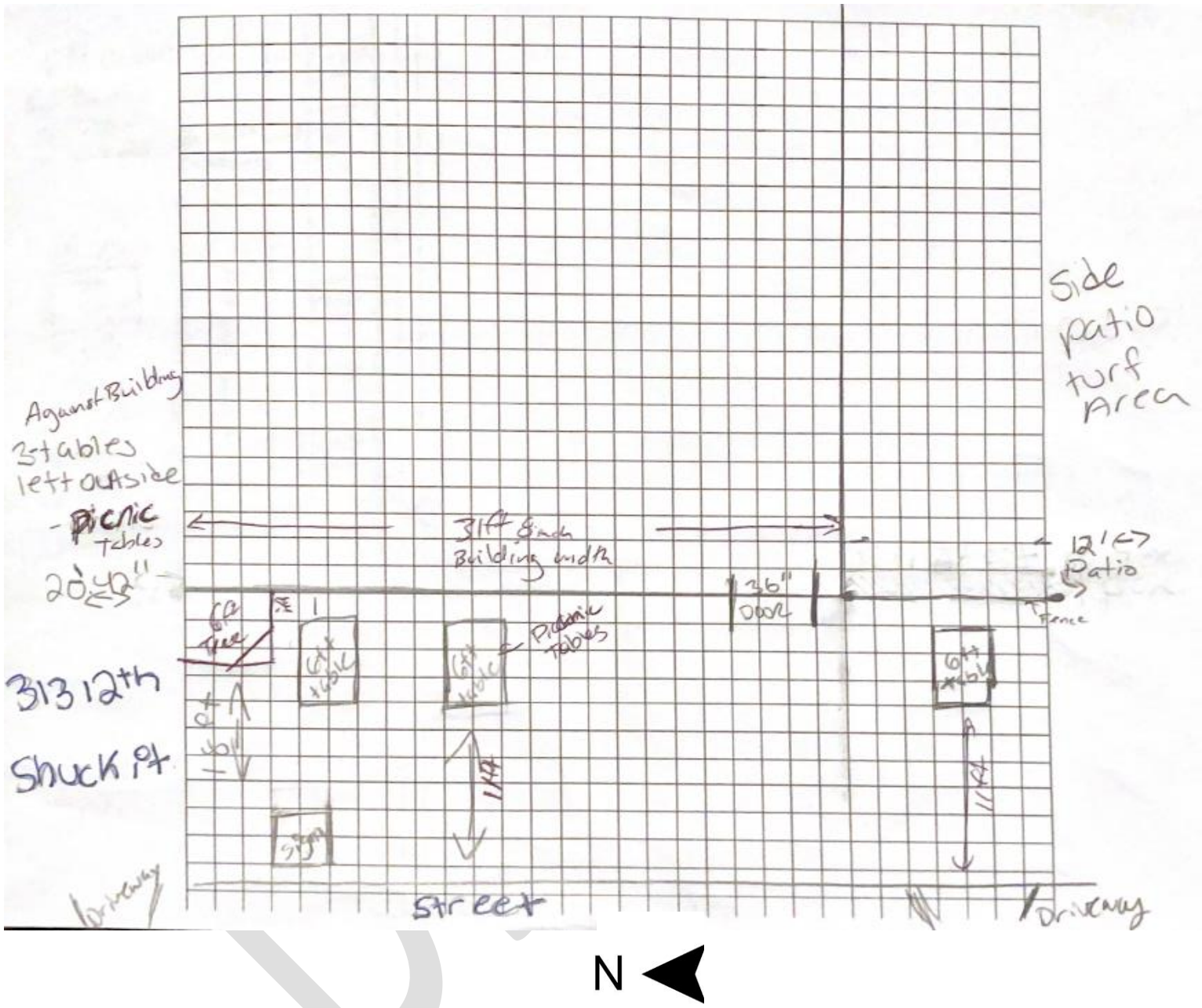
DRAFT

EXHIBIT "A"

Parcel 3295000008:
N1/2 OF LOT 10 TURNER PLAT PI#32950.0000/8

DRAFT

EXHIBIT "B"


Against Building
3 tables left outside
- Picnic tables
20'-4"
313 12th
Shuck it
31ft 8inch Building width
36" DOOR
12'
Patio
Fence
Side patio turf area
Picnic tables
11ft
11ft
Sign
Driveway
street
Driveway
N

PLN-SUP-24-0010

Menu Reports Help

File Date: 12/31/2024

Application Status: Scheduled-Planning Commission

Assigned To:

Application Name:

Application Detail: Detail

Scope of Work: We would like to have tables and chairs on the sidewalk.

Application Type: Special Use Permit

Documents:

File Name	Document Group	Category	Description	Type	Document Status	Document Status Date
313 12th shuck it.pdf	PLANNING	Other	Site plan	application/pdf	Uploaded	03/24/2025
31312th auth form.jpg	PLANNING	Correspondence	Authorization form	image/jpeg	Uploaded	04/10/2025
313 12th st.pdf	PLANNING	Correspondence	Site plan	application/pdf	Uploaded	04/15/2025

Show all

Address: 313 12TH St W, BRADENTON, FL 34205

Owner Name: 31312 LLC

Owner Address: 313 12TH ST W, BRADENTON, FL 34205

Parcel No: 3295000008

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Application Comments:

View ID	Comment	Date

Initiated by Product: ACA

Contact Info:

Name	Organization Name	Contact Type	Status
Charles Ferrara	The Brown Bag	Applicant	Active

Job Value: $0.00

Total Fee Assessed: $0.00

Total Fee Invoiced: $0.00

Balance: $0.00

Custom Fields: **SPECIAL USE**

Type	Other
Restaurant >20 Seats	

MEETING INFORMATION

Meeting Type	Date	Status

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Intake	Greg DeLong	Ready for Pr...	04/21/2025	Greg DeLong
Case Manager	Greg DeLong	Ready for Re...	04/21/2025	Greg DeLong
Building Review				
Public Works Review				
Fire Review				
Other Reviews				
Planning Review	Greg DeLong	Pass	04/21/2025	Greg DeLong
Review Consolidation	Greg DeLong	Scheduled fo...	04/21/2025	Greg DeLong
DRC				
Planning Commission	Greg DeLong			
City Council #1				
City Council #2				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

bradenton
The Friendly City

Agent Authorization Form

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400
www.cityofbradenton.com

PLANNING & ZONING AGENT AUTHORIZATION FORM

Property Address: 313 12th st

I, Joseph Bennett, the registered property owner(s) of the above noted property, do hereby authorize

Joseph Bennett — Print Name of Agent

313 12th LLC — Company Name

to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standards and conditions applicable.

AGENT AUTHORIZATION — REQUIRED

Signature of Owner(s) — Owner(s) Address (if different than property above)

Signature of Agent — Agent Address and Phone

STATE OF FLORIDA, MANATEE COUNTY

The Foregoing instrument was acknowledged before me by means of ✓ physical presence or online notarization, this 10th day of Apr 2025, produced Florida Drver License respectively, as identification and who did (did not) take an oath:

NOTARY — REQUIRED

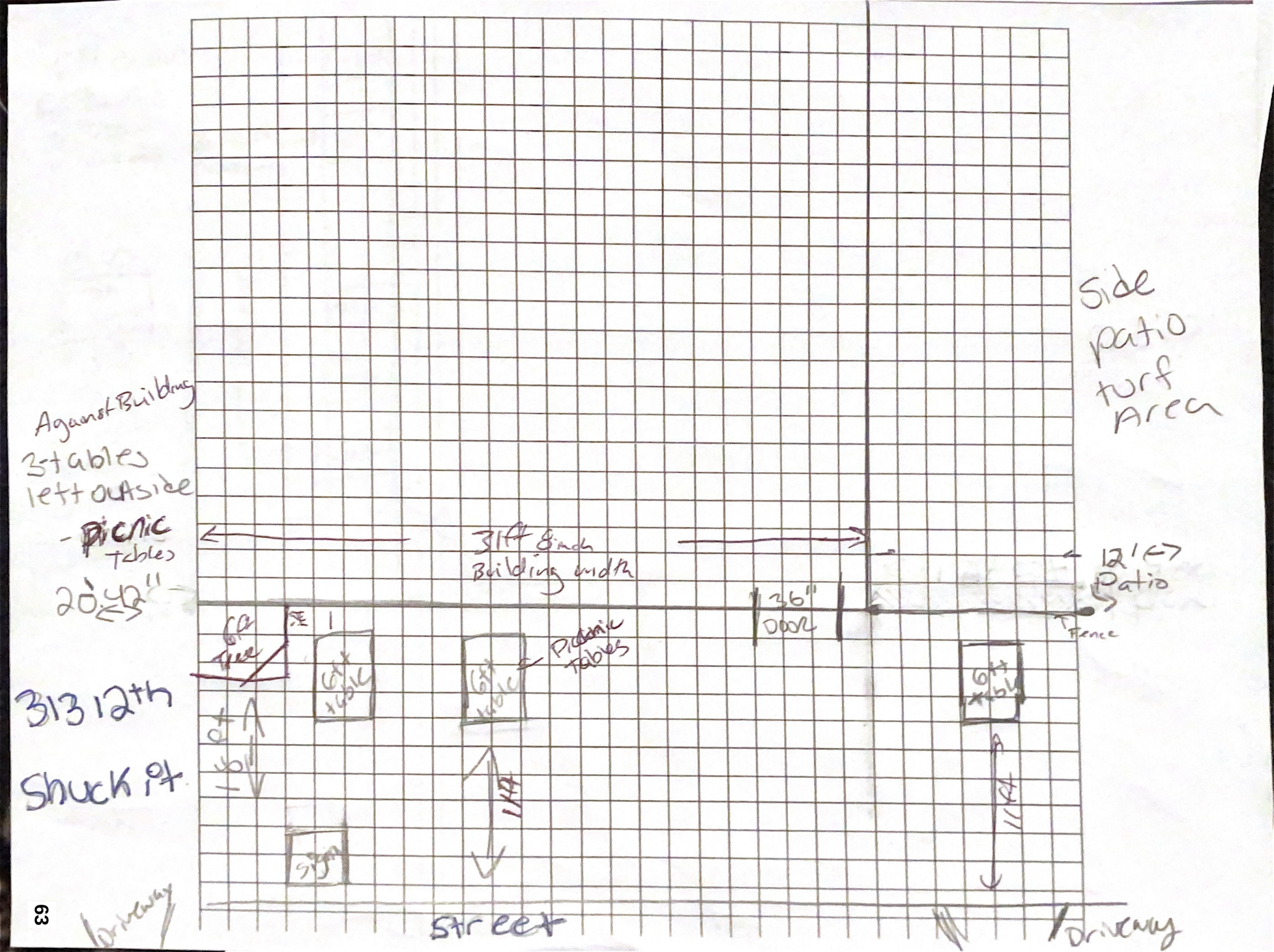
Jessica LaBranche
Signature

Jessica LaBranche, Notary Public
Print Name

NOTARY PUBLIC

JESSICA LABRANCHE
Notary Public, State of Florida
Commission# HH 469890
My comm. expires Dec. 8, 2027

State of Florida
My Commission Expires: Dec 08, 2027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Shuck it
31ft 8 inch Building width
36" DOOR
12' Patio
Side patio turf Area
Fence
6ft table
Picnic tables
sign
11ft
Street
Driveway
Driveway

City of Bradenton
Planning and Community Development Department
Planning Commission Public Hearing
May 21, 2025

Staff Report

Case Number: PLN-SUP-24-0010
Res. Number: 25-58
Applicant: Joseph Bennett (agent)
Owner: 31312 LLC
Address: 313 12th Street West
Parcel ID No: 3295000008
Current Zoning: T5 (Urban Center – Transect District)
Future Land Use: URBCORE (Urban Core)
Flood Zone: X

Surrounding Property Zoning:

Current Zoning: North: T5 (Urban Center – Transect District)
South: T5 (Urban Center – Transect District)
East: T5 (Urban Center – Transect District)
West: T5 (Urban Center – Transect District)

Future Land Use: North: URBCORE (Urban Core)
South: URBCORE (Urban Core)
East: URBCORE (Urban Core)
West: URBCORE (Urban Core)

Joseph Bennett (agent) of Shuck It submitted a Special Use application requesting permission to allow a sidewalk café with alcoholic beverage sales at 313 12th Street West.

Shuck It is a new business in downtown Bradenton located at the former The Bamboozer location and the proposed request will ensure compliance to the City of Bradenton's Form Based Code and Land Use Regulations, should approval be granted by City Council.

According to the submitted application materials, the proposed café area will be located on the sidewalk along 12th Street West. Following is a summary of the request:

- Area size: 43'-8" x 18' (property width and sidewalk depth).
- Number of Tables: 3-picnic tables.
- Bussing and Hostess Stations: No.

- Table Umbrellas: No.
- Traversable Area: 11’ (minimum width)
- Requesting permission to allow for the 3-picnic tables to remain on the sidewalk after business hours.

There are no Fire Department Connections (FDC) within the proposed café area.

The City of Bradenton Development Review Committee (DRC) reviewed the request at their May 6, 2025, meeting and the Committee had no concerns with the proposed request.

The subject property is in the T5 Urban Center Transect Zoning District. According to Table 4.7 of the Form Based Code (FBC), Café/Sidewalk Café’s with less than 20 seats are a permitted use. City Council approval may be required if there is the sale of Alcoholic beverages, per footnote #1 and Section 4.3.11.4 of the Land Use Regulations (LUR).

Table 4.7: Specific Function & Use.

	T4-S	T3	T4-R	T4-O	T5	T6	SD
Special Events			SU	SU	SU	SU	P
Retail Building				P	P	P	SU
Display Gallery				P	P	P	SU
Restaurant				P	P	P	SU
Kiosk				P	P	P	SU
Cafe/Sidewalk Cafe<20 seats[1]				P	P	P	P

1. City Council approval may be required. Refer to Sections 2.2.9 and 4.3.1 for alcoholic beverage sales and approval requirements.

FORM BASED CODE REGULATIONS:

12.1.d.vi *Sidewalk café.* An area where food or beverage is served from an adjacent café or restaurant to patrons seated at tables located within the sidewalk area adjacent to the café or restaurant.

COMPREHENSIVE PLAN:

Design Element:

Policy 1.1.1 Design Standards, Public Streets, Buildings/Architecture, Open Space, and the Public Realm

The City shall consider inclusion of additional requirements for enhancements in the Land Development Regulations. Standards for enhancements to be considered include the following:

Public Streets

Public Streets should provide the primary vehicle and pedestrian circulation infrastructure for the City. Public and private development should use the existing street grid as a framework and should expand the public street network as necessary to provide connectivity between new and older development. Development of new and extended streets should generally be kept in scale with the existing street network found along Bradenton's waterfront including the Downtown and Old Manatee Village areas.

2. Sidewalks are important to defining streets as civic places. Sidewalks should be provided along both sides of all streets and should be wide enough to accommodate visiting and residential pedestrians comfortably and safely. The pedestrian environment should be further enhanced through the use of fixed street furniture, compatible and consistent lighting, and landscaping. Sidewalk cafes, temporary art installations, and seasonal lighting are encouraged along public sidewalks as a means to encourage the year-round activity.

Policy 1.2.5 Sidewalk Design

The City shall require sidewalks to have a minimum clear width of five feet wide.

Private Property Rights Element

Policy 1 Statement of Rights

The following rights shall be considered in local decision making**:**

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.

3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possession and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

LAND USE REGULATIONS:

2.2.10 *Alcoholic beverage sale approval*. Administrative approval is allowable for all complete alcoholic beverage state license applications, except events proposed to be held on public property or requiring public services. The PCD director may require city council approval of certain alcoholic beverage license applications to protect the public interest. Certain uses associated with alcoholic beverage licensing may require discretionary review pursuant to schedule 3.2.1.2. and shall comply with subsection 2.2.9.

2.2.10.1 Application. The application (paper or electronic media in a PDF format) must indicate the type of state license the business is to operate under, and be accompanied by a site plan showing all churches, day care facilities and schools within a 1,000-foot radius of the subject property boundary, as well as other information that may be required by the PCD director to sufficiently review the application per subsection 4.3.1. The application fee is set forth in appendix A.

2.2.10.2 Public notice. When required, public notice shall be given as per subsection 2.3.1.

2.2.10.3 Review and approval. The application shall be reviewed using the criteria in subsection 4.3 pursuant to schedule 2.3. Upon the granting of approval by city council, or if administrative approval is authorized, the PCD director shall sign the state alcoholic beverage vending license application.

3.3 Special Use Permits.
Land uses requiring special use permits are those which have the potential of disturbing other land uses in the zoning district. Because they are not necessarily compatible with land uses in the zone in which they are allowed, they require discretionary review. Special uses are permitted only if in the specific instance the use will be compatible with surrounding uses or can be made compatible through limitations of their operation or enhancements of the site development design. The special use permit makes the stipulations of approval mandatory. The special use permit is valid for the property on which it is issued for as long as the conditions are

met, unless the approval stipulates otherwise. Schedules 3.2.1.1 (residential), and 3.2.1.2 (non-residential) indicate what uses require special use permits in various zones. See section 2.2.4 for the application procedure.

4.3.1 *Alcoholic beverage sale approval.* The following are the criteria for review and approval of an application for alcoholic beverage sales (see section 2.2.9 for application requirements).

4.3.1.1 Approval shall not be granted for a site in a residential land use atlas district.

4.3.1.2 Approval shall not be granted on any site within 300 feet of any place of worship, day care center, or public or private elementary, middle, or high school. In accordance with F.S. § 562.45(2a) establishments licensed after July 1, 1999, or restaurants not meeting the 51 percent rule shall not be located within 500 feet of any such school. Such distance shall be measured from the main entrance of the applicant establishment, along the shortest route of pedestrian travel, to the main entrance of the principal building of the place of worship or day care center, or to the nearest point on the school grounds.

4.3.1.3 Approval shall not be granted if the sale of alcoholic beverages is found to be incompatible with surrounding land uses.

4.3.1.4 Reasonable stipulations may be attached to an approval for the purpose of rendering the use compatible with surrounding land use. Stipulations may include, but are not limited to, restrictions on the hours of operation and the addition of buffer strips.

4.3.11 Sidewalk *café.* The sidewalk café provides for outdoor seating in conjunction with a restaurant or drinking establishment and is permitted in accordance with schedule 3.2.1.2 upon approval of a certificate of use or special use permit, and subject to the following restrictions:

4.3.11.1 *Seating area.* The number of outdoor seats and tables shall be limited to that number that can be reasonably accommodated according to the available widths of the associated storefront and sidewalk. Adjacent sidewalk bulb-out areas, even if not located directly in front of the associated storefront, may be considered on an individual basis, when the affected storefront owner does not object. Clear pedestrian access shall be maintained at all times, and no seating or tables shall interfere with ingress/egress of buildings or

create an unsafe situation with street traffic. The sidewalk café owner/operator shall remove from the sidewalk and place out of public view any seating or tables when the business is closed, or when an authorized agent of the city makes such a request.

4.3.11.2 *Maintenance.* Public sidewalk approved as part of any sidewalk café shall be properly maintained for safety and cleanliness by the sidewalk café owner/operator on a daily basis. Litter, dirt, grime, grease, and food shall not be permitted to accumulate at any time.

4.3.11.3 *Assurance.* An indemnity agreement, provided by the PCD director shall be signed and provided by the sidewalk café owner/operator, along with proof of public liability insurance as approved by the city attorney.

4.3.11.4 *[Alcoholic beverages.]* Alcoholic beverages served as part of any sidewalk café on public property shall require city council approval, pursuant to subsections 2.2.9 and 4.3.1. and F.S. chapters 561 and 562. City council reserves the right to limit the number of sidewalk cafes providing alcoholic beverage service.

Compliance Overview with Land Use Regulations

Land uses requiring Special Use Permits are those which have the potential of disturbing other land uses in the zoning district. Because they are not necessarily compatible with land uses in the zone in which they are allowed, they require discretionary review. Special uses are permitted only if the use will be compatible with surrounding uses or can be made compatible through limitations of their operation or enhancements of the site development design. The Special Use Permit makes the stipulations of approval mandatory. The Special Use Permit is valid for the property on which it is issued for as long as the conditions are met, unless the approval stipulates otherwise.

The following is a list of required Land Use Regulations subject to review for Special Use Permits:

GENERAL STANDARDS (LAND USE REGULATIONS):

3.3.1 *General standards.* All special uses shall comply at minimum with the following standards. Additional requirements may be made by city council to ensure compatibility of uses.

3.3.1.1 All special uses shall be subject to the general regulations of these LURs for single lot development, structures, lots, yards and vehicular use areas as well as the specific dimensional regulations for lots and structures for the zoning district in which the special use is proposed.

3.3.1.2 A landscaped separation strip of at least ten feet in width shall be provided along all property lines and along all streets serving the premises, except at approved access points.

3.3.1.3 If the use is listed as a specific use in section 4.3, the standards of that section must be met.

REVIEW CRITERIA (LAND USE REGULATIONS):

3.3.2 *Review criteria.* All special uses shall comply with and be reviewed using the following criteria to determine whether to allow the use at the proposed location and to determine appropriate conditions to the use.

3.3.2.1 The tract of land must be suitable for the type of use proposed by virtue of its location, topography, shape and the nature of surrounding development.

Staff Response: It appears that the proposed use of a sidewalk café is suitable for the subject locations.

3.3.2.2 Access points must be located so as to best suit the use and property. Wide spacing between access points and intersecting streets should be required when feasible.

Staff Response: It appears that access points will not be negatively impacted by the proposed use.

3.3.2.3 All buildings shall be located an adequate distance from property lines and streets. Setbacks in excess of those required for the specific zone may be required to lessen the effect of the use on neighboring properties.

Staff Response: No new buildings will be constructed as part of the proposed use.

3.3.2.4 Permanent screening, such as walls, fences, hedges, and other barriers, may be required to protect surrounding properties

from view of the premises or noises from the use. The minimum height and other parameters of such screening may be specified.

Staff Response: Requirement cannot be met due to the existing built environment.

3.3.2.5 The following shall be considered and cited as reasons for approval or denial of the application:

a. Adequacy of ingress and egress to property and proposed structures with particular regard for automobiles and pedestrian safety and convenience, traffic generation, flow and control and emergency access.

   Staff Response: No new ingress and egress points are being proposed as part of the subject request. The applicant is also proposing a minimum of no less than 5' of traversable space on the public sidewalk.

b. Location and design of off-street parking and loading areas in regard to the items in "a." above and the smoke, noise, glare, dust, vibrations, fumes, pollution, and other effects of the use on adjoining properties.

   Staff Response: It appears that the subject request will not have any negative impacts on adjacent properties as far as smoke, glare, dust, vibrations, fumes, and pollution.

c. Location and design of refuse and service areas in regard to availability, adequacy, and effect upon surrounding properties.

   Staff Response: It appears that the subject request will not affect the location and design of existing refuse and service areas.

d. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties.

   Staff Response: It appears that the subject request will not affect or impact existing utilities.

e. Screening, buffering or separation of any nuisance or hazardous feature of the use.

Staff Response: No screening, buffering or separation are being proposed as the area is a built environment.

f. Proposed signs and exterior lighting with reference to glare, traffic safety and compatibility and harmony with surrounding properties.

Staff Response: No new lighting or signage is being proposed as part of the subject requests. Should any lighting or signage be installed in the future, it shall be in accordance with the City of Bradenton's requirements.

g. Effect upon the value of surrounding properties; the use shall not hinder the development of nearby vacant properties or adversely affect their economic value.

Staff Response: It appears that the subject request will not adversely affect the economic value of surrounding properties.

h. Adequacy of land and/or building which are to be used.

Staff Response: It appears that the area is adequate in size for the subject request. The subject request is to ensure compliance to the Form Based Code and Land Use Regulations.

i. General compatibility or appropriateness with adjacent properties and other property in the district with special consideration given to the proposed hours of operation.

Staff Response: It appears that the proposed request is appropriate for the subject property and district.

j. Environmental quality of the district in which the use is proposed and the effect the special use permit might have on such quality.

Staff Response: It appears that there will be no negative impacts to the existing environmental quality of the district as a result of the subject request.

k. Consistency with the city's comprehensive plan.

Staff Response: It appears that the proposed sidewalk café is consistent with the Comprehensive Plan as the Comprehensive Plan encourages walkability and non-auto-oriented uses.

STAFF COMMENTS:

1. Planning Commission is encouraged to evaluate the request based on the provided criteria, as well as input from staff, the applicant, and the public.
2. It is in staff's opinion that the request is found to be consistent with the intent of Section 3.3.2.5 of the Land Use Regulations and the Design Element of the Comprehensive Plan.

Should the Planning Commission wish to recommend to City Council approval the subject request, staff recommends that the following stipulations be applied to the approval:

a. The approved Resolution, including the approved site plan and conditions shall be on display and accessible on the Property during business hours.
b. Within 30 days following the approval, the Property Owner shall execute an Indemnification Agreement in a form acceptable to the City.
c. No more than 3-picnic tables may remain on the sidewalk when the business is closed. The tables shall be placed adjacent to the building.
d. Clear pedestrian access on the public sidewalk of no less than 5' shall be maintained at all times in a way that neither seating nor tables affect the ingress/egress of travel, the safety or pedestrian and traffic circulation.
e. The property/business owner shall obtain all State licenses permitting the sale of alcohol as part of the sidewalk café.
f. Any cleaning solution used to clean the sidewalk café area shall be approved by the Bradenton Public Works.
g. Any future increase in seating for the sidewalk café area shall be approved by City Council.

Respectfully submitted,

Gregory J. DeLong
Assistant Director of Planning & Community Development

EXHIBITS:

EXHIBIT "A": Location Map

EXHIBIT "B": Future Land Use Map

EXHIBIT "C": Zoning Map

EXHIBIT "D": Proposed Overall Project Site Layout

EXHIBIT "A"
Location Map



EXHIBIT "B"
Future Land Use Map

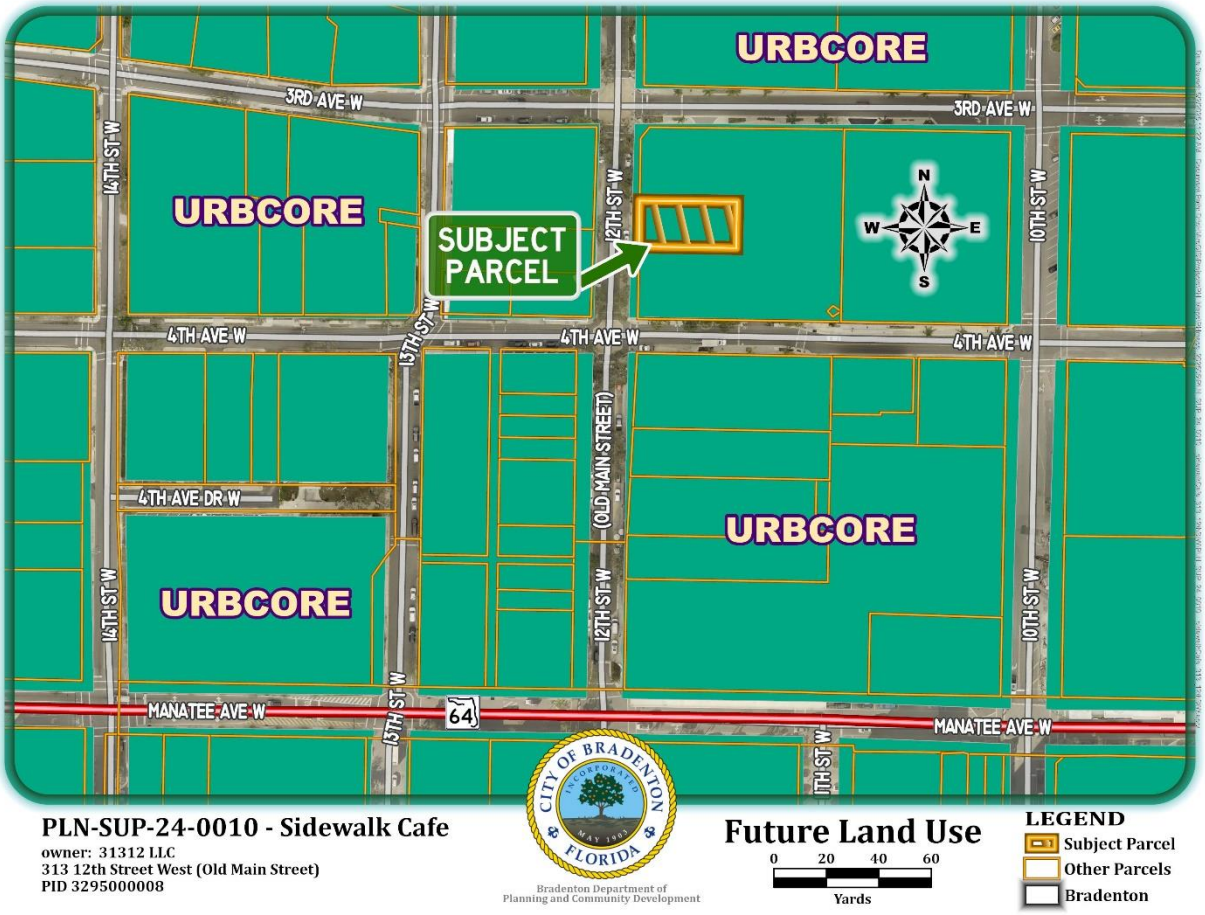
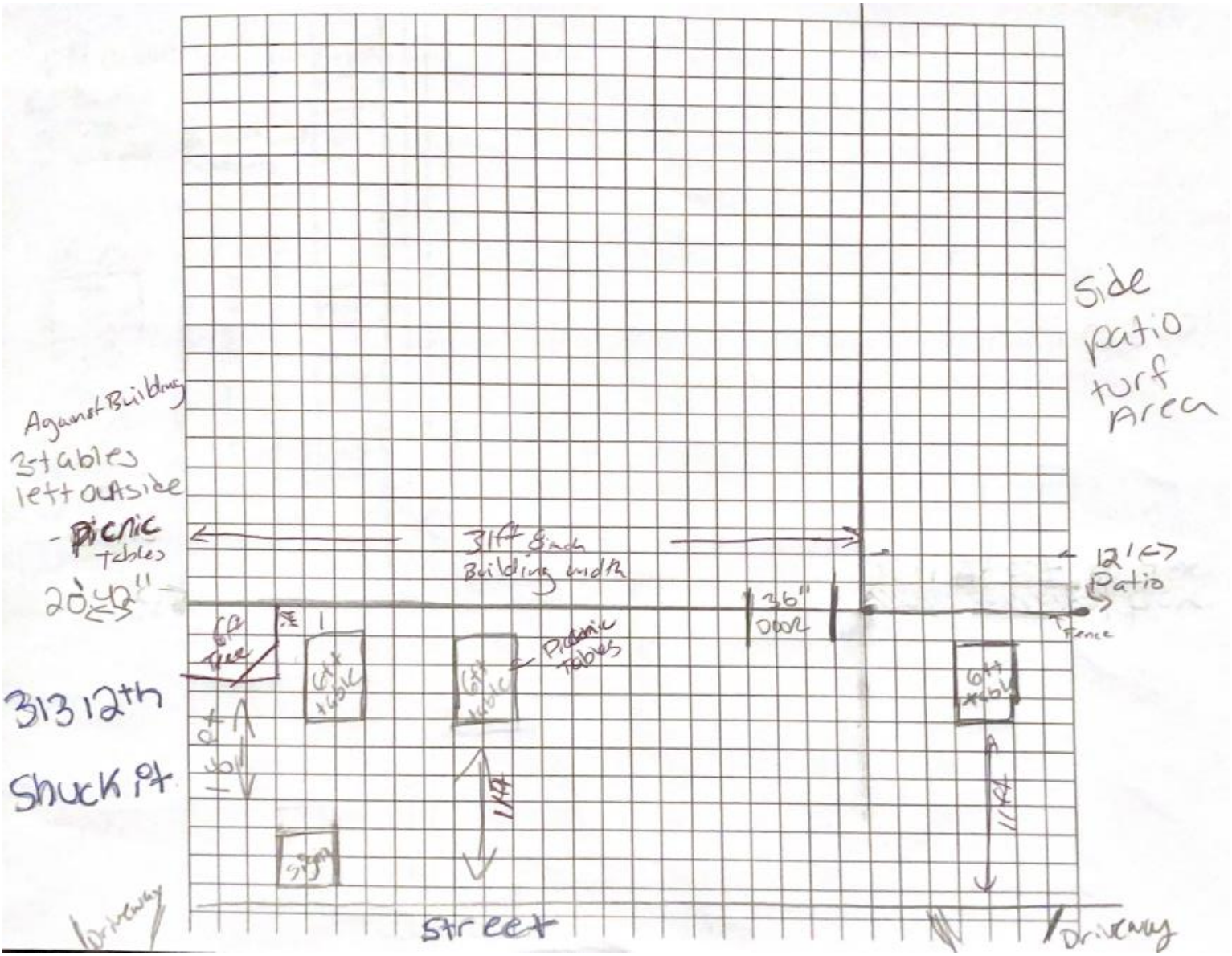


EXHIBIT "C"
Zoning Map



EXHIBIT "D"
Proposed Project Site Layout



AGENDA ITEM NO. 6.c

Item Cover Page

PLANNING COMMISSION MEETING AGENDA ITEM REPORT

DATE: May 21, 2025

SUBMITTED BY: Greg DeLong, Planning & Community Development

ITEM TYPE: Resolution

AGENDA SECTION: **AGENDA ITEMS**

SUBJECT: **Resolution 25-59; Case PLN-SUP-24-0011:** Request for a Special Use Permit to allow for a sidewalk café with alcoholic beverage sales; to be located at 436 12th Street West (Parcel ID 3318900002) in the T5 (Urban Center) transect zoning district. Application filed by Joseph Bennett (agent) for Jan R. DeLesline, as Trustee of the Jan R. DeLesline Revocable Living Trust dated February 14, 2008 (owner).

SUGGESTED ACTION: Motion to recommend to City Council either approval or denial of Resolution 25-59, Case PLN-SUP-24-0011.

If the action is to approve, the following are recommended stipulations for approval:

a. The approved Resolution, including the approved site plan and conditions shall be on display and accessible on the Property during business hours.
b. Within 30 days following the approval, the Property Owner shall execute an Indemnification Agreement in a form acceptable to the City.
c. Clear pedestrian access on the public sidewalk of no less than 5’ shall be maintained at all times in a way that neither seating nor tables affect the ingress/egress of travel, the safety or pedestrian and traffic circulation.
d. The property/business owner shall obtain all State licenses permitting the sale of alcohol as part of the sidewalk café.

e. Any cleaning solution used to clean the sidewalk café area shall be approved by the Bradenton Public Works.
f. Any future increase in seating for the sidewalk café area shall be approved by City Council.

Is this item Quasi-Judicial?
Yes

Does this item require a public hearing?
Yes

EXPLANATION:
The applicant has submitted a Special Use Permit application requesting permission to allow a sidewalk cafe with alcoholic beverages at 436 12th Street West.

While a sidewalk cafe has been in place at the subject property, the subject Special Use Permit will ensure compliance to City of Bradenton's Form Based Code and Land Use Regulations, should approval be granted by City Council.

FINANCIAL IMPACT:
N/A

ATTORNEY REVIEW/RECOMMENDATION:
Reviewed by City Attorney Rudacille.

SUGGESTED MOTION:
Motion to recommend either approval or denial of Resolution 25-59 with stipulations recommended by staff.

ATTACHMENTS:
Resolution 25-59 (DRAFT).pdf
Application.pdf
Staff Report.pdf

RESOLUTION 25-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, GRANTING SPECIAL USE PERMIT NO. PLN-SUP-24-0011 TO PERMIT A SIDEWALK CAFÉ WITH ALCOHOLIC BEVERAGE SALES FOR PROPERTY LOCATED AT 436 12TH STREET WEST, BRADENTON, FLORIDA (PARCEL ID NO 3318900002), IN THE T5 URBAN CENTER TRANSECT ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jan R. DeLesline, as Trustee of the Jan R. DeLesline Revocable Living Trust dated February 14, 2008 (the "Property Owner" or "Applicant") owns the property located at 436 12th Street West, Bradenton, Florida (Parcel ID No 3318900002), more particularly described in Exhibit "A" (the "Property"); and

WHEREAS, the City of Bradenton Comprehensive Plan's Future Land Use Map designates the Property as Urban Core (URBCORE); and

WHEREAS, the City of Bradenton Official Zoning Map classifies the Property under the (T5) Urban Center – Transect Zoning District; and

WHEREAS, the City of Bradenton Form Based Code, Table 4.7, identifies uses in the T5 transect zoning district; and

WHEREAS, the City of Bradenton Form Based Code, Table 4.7, identifies Café/Sidewalk Café with less than 20 seats as a permitted use in the T5 transect zoning district; but stipulates that City Council approval may be required per the Land Use Regulations; and

WHEREAS, the City of Bradenton Land Use Regulations, Section 4.3.11.4, states that alcoholic beverage sales served as part of any sidewalk café on public property shall require City Council approval; and

WHEREAS, the Property Owner submitted an application for a Special Use Permit to permit a sidewalk café with alcoholic sales; and

WHEREAS, the Planning Commission held a noticed public hearing on May 21, 2025, at which the Commission received testimony and evidence from the applicant and City Planning staff; and

WHEREAS, the City Council held a noticed public hearing on June 11, 2025, at which the Council received testimony and evidence from City Planning staff and members of the public in attendance.

NOW, THEREFORE, the City Council makes the following Findings of Fact and Conclusions of Law and issues the Final Order as follows:

Section 1. Findings of Fact and Conclusions of Law. After considering the evidence on the record and that presented at public hearing, including the staff report and the recommendation of the Planning Commission, the City Council hereby makes the following Findings of Fact and Conclusions of Law:

a. The Whereas clauses contained herein are hereby adopted as Findings of Fact.
b. The Property Owner is requesting approval of a Special Use Permit to operate a sidewalk café with alcoholic sales, as shown on the Site Plan attached hereto as Exhibit "B".
c. The City's professional staff determined that with the proposed stipulations, the project is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.
d. The City's professional staff recommended stipulations to consider for an approval.
e. The Planning Commission, which is designated as the local planning agency, determined that with the proposed stipulations, the project is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.
f. The Planning Commission recommended approval with stipulations.
g. The proposed use meets the review criteria in Section 3.3.2 of the City Code as follows:

    1. The tract of land is suitable for the type of use proposed by virtue of its location, topography, shape, and the nature of surrounding development. See 3.3.2.1.
    2. Access points are located so as to best suit the use and property. Wide spacing between access points and intersecting streets should be required when feasible. See 3.3.2.2.
    3. All buildings are located an adequate distance from property lines and streets. See 3.3.2.3.
    4. Permanent screening, such as walls, fences, hedges, and other barriers, are not needed to protect surrounding properties from view of the premises or noises from the use. See 3.3.2.4.
    5. Adequate ingress and egress is provided to property and proposed structures with particular regard for automobiles and pedestrian safety and convenience, traffic generation, flow and control and emergency access. See 3.3.2.5.
    6. Location and design of off-street parking and loading areas in regard to the items in "a." above and the smoke, noise, glare, dust, vibrations, fumes, pollution and other effects of the use on adjoining properties is adequate for the proposed use. See 3.3.2.5.

7. Location and design of refuse and service areas are sufficient in regard to availability, adequacy and effect upon surrounding properties. See 3.3.2.5.
8. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties are provided. See 3.3.2.5.
9. Screening, buffering or separation of any nuisance or hazardous feature of the use are not needed for the proposed use. See 3.3.2.5.
10. Proposed signs and exterior lighting are adequate with reference to glare, traffic safety and compatibility and harmony with surrounding properties. See 3.3.2.5.
11. Effect upon the value of surrounding properties; the use will not hinder the development of nearby vacant properties or adversely affect their economic value. See 3.3.2.5.
12. The land and/or building which are to be used are adequate for the proposed use. See 3.3.2.5.
13. The proposed use is compatible and appropriate with adjacent properties and other property in the district with special consideration given to the proposed hours of operation. See 3.3.2.5.
14. The proposed use will not affect the environmental quality of the district. See 3.3.2.5.
15. The proposed use is consistent with the City's comprehensive plan. See 3.3.2.5.

Section 2. Permit. Based upon the foregoing, a Special Use Permit is hereby approved and issued for the Property, to allow for a sidewalk café with alcoholic sales for a maximum of 1 table, 2 outdoor chairs, and 1 outdoor sofa, as generally shown on the Site Plan attached hereto as Exhibit "B", subject to the following stipulations:

a. The approved Resolution, including the approved site plan and conditions shall be on display and accessible on the Property during business hours.
b. Within 30 days following the approval, the Property Owner shall execute an Indemnification Agreement in a form acceptable to the City.
c. Clear pedestrian access on the public sidewalk of no less than 5' shall be maintained at all times in a way that neither seating nor tables affect the ingress/egress of travel, the safety or pedestrian and traffic circulation.
d. The property/business owner shall obtain all State licenses permitting the sale of alcohol as part of the sidewalk café.
e. Any cleaning solution used to clean the sidewalk café area shall be approved by the Bradenton Public Works.
f. Any future increase in seating for the sidewalk café area shall be approved by City Council.

Section 3. State and Federal Permits. Issuance of this development permit by the City does not in any way create any right on the part of the Applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. The Applicant must obtain all applicable state and federal permits before commencing development or use.

Section 4. Severability. In the event that any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Resolution which shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall be effective upon adoption.

ORDERED ON BEHALF OF THE CITY OF BRADENTON THIS 11th DAY OF JUNE 2025.

THE CITY OF BRADENTON, BY AND THROUGH THE CITY COUNCIL OF THE CITY OF BRADENTON

ATTEST:

_____ _____

Tamara Melton
CITY CLERK

Gene Brown
MAYOR

APPROVED AS TO FORM:

_____
Scott Rudacille
CITY ATTORNEY

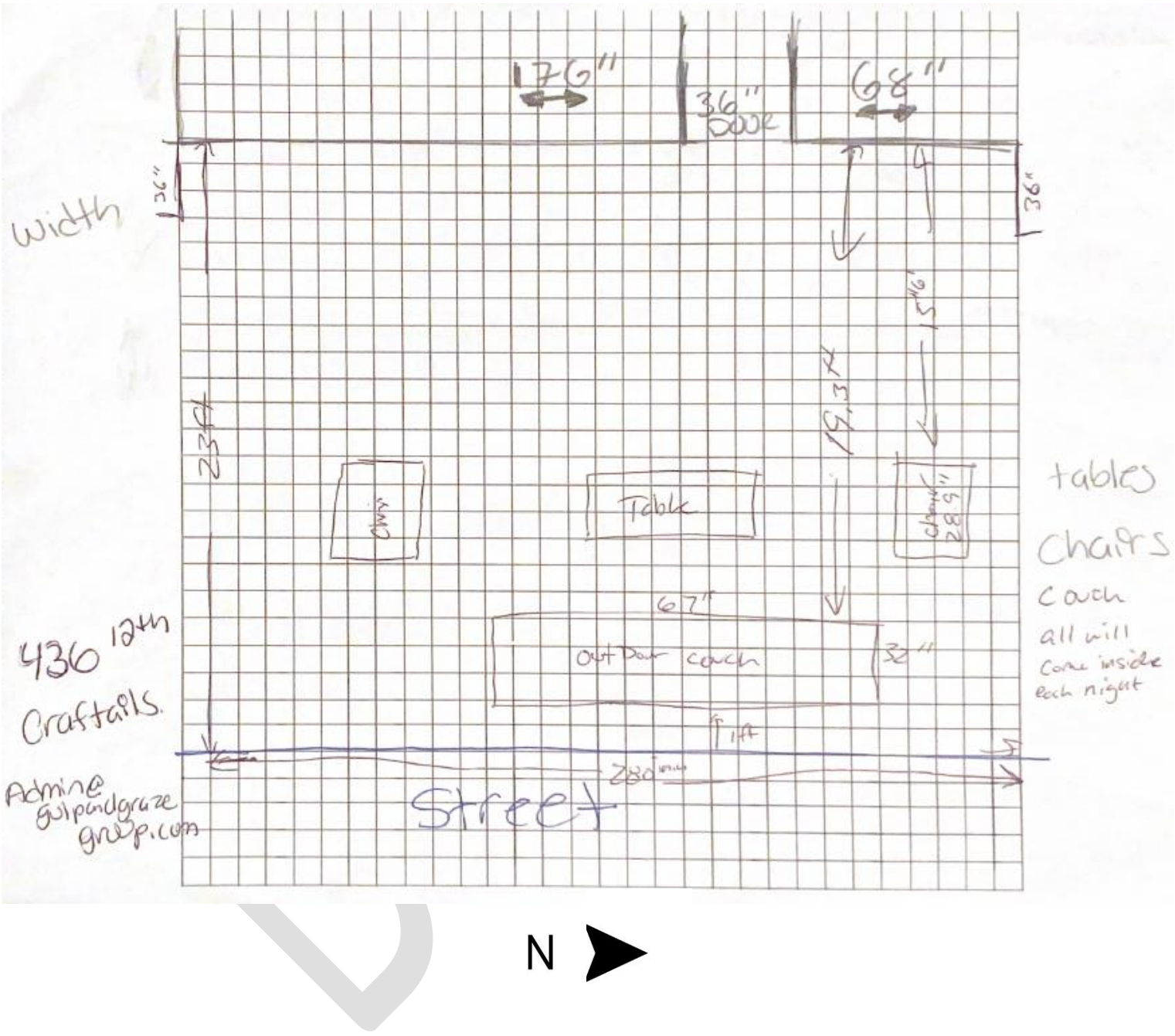
DRAFT

EXHIBIT "A"

Parcel 3318900002:
A STRIP 9 3/4 FT WIDE OFF N END OF LOT 6, LOT 7 FULLER BLOCK
PI#33189.0000/2

DRAFT

EXHIBIT "B"


176"
36" Door
68"
36"
Width
36"
22ft
15'6"
19.3ft
Chair
Table
Chairs
28.5"
tables
Chairs
couch
all will come inside each night
67"
Out Door couch
32"
436 12th
Craftails
1ft
280
Street
Admin@gulpandgrazegroup.com
N

PLN-SUP-24-0011

Menu Reports Help

File Date: 12/31/2024

Application Status: Scheduled-Planning Commission

Assigned To:

Application Name:

Application Detail: Detail

Scope of Work: We would like to have tables and chairs outside on the sidewalk.

Application Type: Special Use Permit

Documents:

File Name	Document Group	Category	Description	Type	Document Status	Document Status Date
Craftails.pdf	PLANNING	Other	Site plan	application/pdf	Uploaded	03/24/2025
430-440 auth form.pdf	PLANNING	Other	Agent Authorization...	application/pdf	Uploaded	03/24/2025
436 12th st.pdf	PLANNING	Correspondence	Site plan	application/pdf	Uploaded	04/15/2025

Show all

Address: 436 12TH St W, BRADENTON, FL 34205

Owner Name: DELESLINE JAN R

Owner Address: PO BOX 283, TERRA CEIA, FL 34250

Parcel No: 3318900002

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Application Comments:

View ID	Comment	Date

Initiated by Product: ACA

Contact Info:

Name	Organization Name	Contact Type	Status
Charles Ferrara	The Brown Bag	Applicant	Active

Job Value: $0.00

Total Fee Assessed: $0.00

Total Fee Invoiced: $0.00

Balance: $0.00

Custom Fields: **SPECIAL USE**

Type	Other
Lounges	

MEETING INFORMATION

Meeting Type	Date	Status

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Intake	Greg DeLong	Ready for Pr...	04/21/2025	Greg DeLong
Case Manager	Greg DeLong	Ready for Re...	04/21/2025	Greg DeLong
Building Review				
Public Works Review				
Fire Review				
Other Reviews				
Planning Review	Greg DeLong	Pass	04/21/2025	Greg DeLong
Review Consolidation	Greg DeLong	Scheduled fo...	04/21/2025	Greg DeLong
DRC				
Planning Commission	Greg DeLong			
City Council #1				
City Council #2				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

bradenton
The Friendly City

Agent Authorization Form

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400
www.cityofbradenton.com

PLANNING & ZONING AGENT AUTHORIZATION FORM

Property Address: 436 12th St

I, John DeLesline, the registered property owner(s) of the above noted property, do hereby authorize

Joseph Bennett — 430 - 440 12th Street
Print Name of Agent — Company Name

to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standards and conditions applicable.

AGENT AUTHORIZATION

P.O. Box 283 Terra Ceia, FL 34250
Signature of Owner(s) — Owner(s) Address (if different than property above)

P.O. Box 283 Terra Ceia, FL 34250
Signature of Agent — Agent Address and Phone

REQUIRED

NOTARY

STATE OF FLORIDA, MANATEE COUNTY

The Foregoing instrument was acknowledged before me by means of X physical presence or online notarization, this 8th day of January 2025, produced _____

Personally known

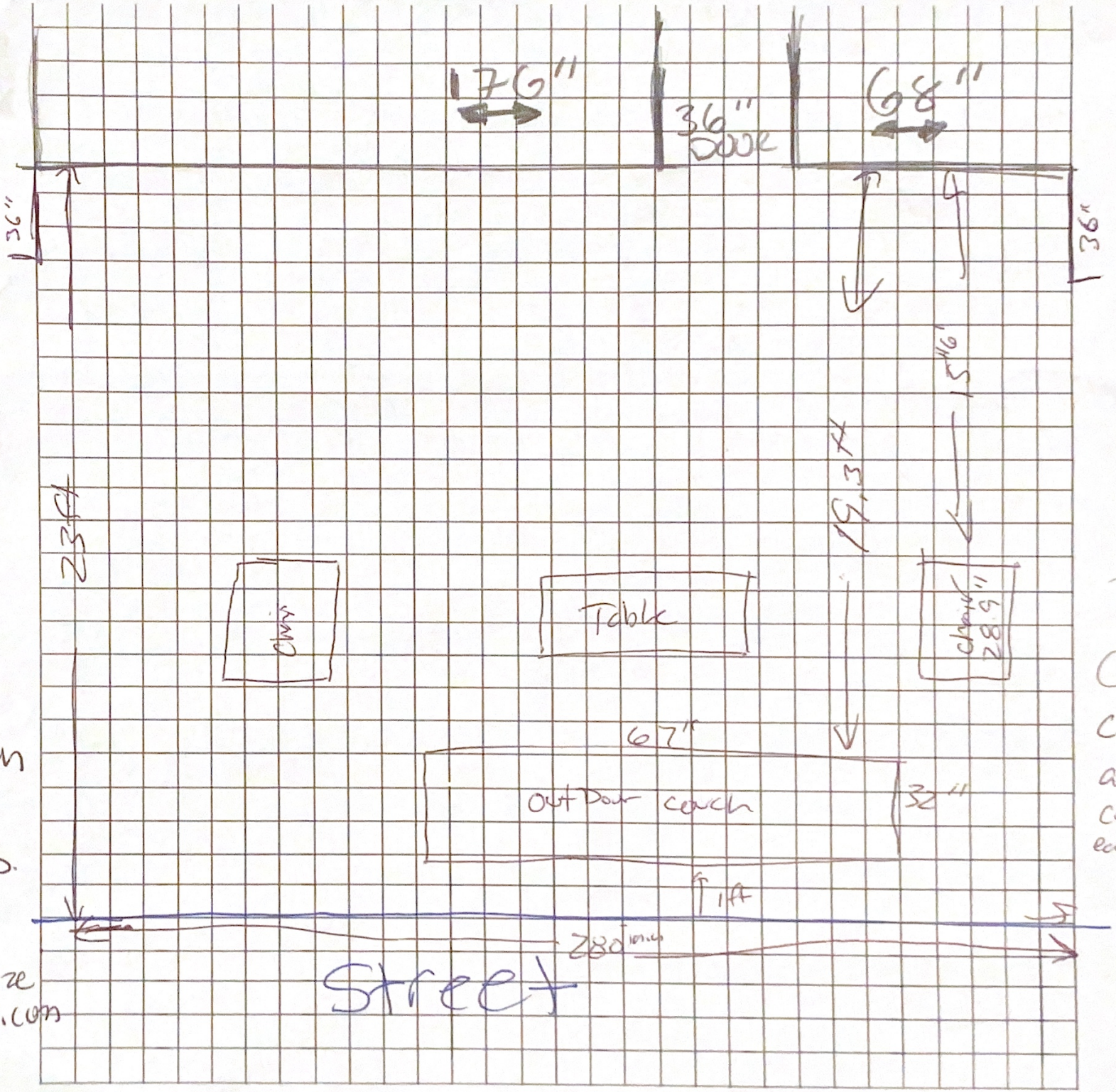
identification and who did (did not) take an oath:

Signature

JAN R DELESLINE
Notary Public
State of Florida
Comm# HH431320
Expires 8/8/2027

Print Name — Notary Public

State of Florida
My Commission Expires: _____


176"
36" Door
68"
36"
36"
Width
23ft
19.3ft
5'6"
Chair
Table
Chairs
28.5"
67"
Out Door couch
32"
1ft
288 inch
Street
tables
Chairs
Couch
all will come inside each night
436 12th
Craftails.
Admin@gulpandgrazegroup.com

City of Bradenton
Planning and Community Development Department
Planning Commission Public Hearing
May 21, 2025

Staff Report

Case Number: PLN-SUP-24-0011
Res. Number: 25-59
Applicant: Joseph Bennett (agent)
Owner: Jan R. DeLesline, as Trustee of the Jan R. DeLesline Revocable Living Trust dated February 14, 2008
Address: 436 12th Street West
Parcel ID No: 3318900002
Current Zoning: T5 (Urban Center – Transect District)
Future Land Use: URBCORE (Urban Core)
Flood Zone: X

Surrounding Property Zoning:

Current Zoning: North: T5 (Urban Center – Transect District)
South: T5 (Urban Center – Transect District)
East: T5 (Urban Center – Transect District)
West: T5 (Urban Center – Transect District)

Future Land Use: North: URBCORE (Urban Core)
South: URBCORE (Urban Core)
East: URBCORE (Urban Core)
West: URBCORE (Urban Core)

Joseph Bennett (agent) for Craftails; submitted a Special Use application requesting permission to allow a sidewalk café with alcoholic beverage sales at 436 12th Street West.

While a sidewalk café has been in place at the subject property, the Special Use process will ensure compliance to the City of Bradenton's Form Based Code and Land Use Regulations, should approval be granted by City Council.

According to the submitted application materials, the proposed café area will be located on the sidewalk along 12th Street West. Following is a summary of the request:

- Area size: 23'-4" x 23' (unit width and sidewalk depth).
- Number of Tables: 1-table.
- Number of chairs: 2-outdoor chairs and 1-outdoor sofa.

- Bussing and Hostess Stations: No.
- Table Umbrellas: No.
- Traversable Area: 15’-6” (minimum width)
- Furniture will be stored indoors when the business is closed.

There are no Fire Department Connections (FDC) within the proposed café area.

The City of Bradenton Development Review Committee (DRC) reviewed the request at their May 6, 2025, meeting and the Committee had no concerns with the proposed request.

The subject property is in the T5 Urban Center Transect Zoning District. According to Table 4.7 of the Form Based Code (FBC), Café/Sidewalk Café’s with less than 20 seats are a permitted use. City Council approval may be required if there is the sale of Alcoholic beverages, per footnote #1 and Section 4.3.11.4 of the Land Use Regulations (LUR).

Table 4.7: Specific Function & Use.

	T3	T4-R	T4-O	T5	T6	SD
Special Events		SU	SU	SU	SU	P
Retail Building			P	P	P	SU
Display Gallery			P	P	P	SU
Restaurant			P	P	P	SU
Kiosk			P	P	P	SU
Cafe/Sidewalk Cafe<20 seats[1]			P	P	P	P

1. City Council approval may be required. Refer to Sections 2.2.9 and 4.3.1 for alcoholic beverage sales and approval requirements.

FORM BASED CODE REGULATIONS:
12.1.d.vi *Sidewalk café.* An area where food or beverage is served from an adjacent café or restaurant to patrons seated at tables located within the sidewalk area adjacent to the café or restaurant.

COMPREHENSIVE PLAN:

Design Element:

Policy 1.1.1 Design Standards, Public Streets, Buildings/Architecture, Open Space, and the Public Realm

The City shall consider inclusion of additional requirements for enhancements in the Land Development Regulations. Standards for enhancements to be considered include the following:

Public Streets

Public Streets should provide the primary vehicle and pedestrian circulation infrastructure for the City. Public and private development should use the existing street grid as a framework and should expand the public street network as necessary to provide connectivity between new and older development. Development of new and extended streets should generally be kept in scale with the existing street network found along Bradenton's waterfront including the Downtown and Old Manatee Village areas.

2. Sidewalks are important to defining streets as civic places. Sidewalks should be provided along both sides of all streets and should be wide enough to accommodate visiting and residential pedestrians comfortably and safely. The pedestrian environment should be further enhanced through the use of fixed street furniture, compatible and consistent lighting, and landscaping. Sidewalk cafes, temporary art installations, and seasonal lighting are encouraged along public sidewalks as a means to encourage the year-round activity.

Policy 1.2.5 Sidewalk Design

The City shall require sidewalks to have a minimum clear width of five feet wide.

Private Property Rights Element

Policy 1 Statement of Rights

The following rights shall be considered in local decision making**:**

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possession and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

LAND USE REGULATIONS:

2.2.10 *Alcoholic beverage sale approval*. Administrative approval is allowable for all complete alcoholic beverage state license applications, except events proposed to be held on public property or requiring public services. The PCD director may require city council approval of certain alcoholic beverage license applications to protect the public interest. Certain uses associated with alcoholic beverage licensing may require discretionary review pursuant to schedule 3.2.1.2. and shall comply with subsection 2.2.9.

2.2.10.1 Application. The application (paper or electronic media in a PDF format) must indicate the type of state license the business is to operate under, and be accompanied by a site plan showing all churches, day care facilities and schools within a 1,000-foot radius of the subject property boundary, as well as other information that may be required by the PCD director to sufficiently review the application per subsection 4.3.1. The application fee is set forth in appendix A.

2.2.10.2 Public notice. When required, public notice shall be given as per subsection 2.3.1.

2.2.10.3 Review and approval. The application shall be reviewed using the criteria in subsection 4.3 pursuant to schedule 2.3. Upon the granting of approval by city council, or if administrative approval is authorized, the PCD director shall sign the state alcoholic beverage vending license application.

3.3 Special Use Permits.

Land uses requiring special use permits are those which have the potential of disturbing other land uses in the zoning district. Because they are not necessarily compatible with land uses in the zone in which they are allowed, they require discretionary review. Special uses are permitted only if in the specific instance the use will be compatible with surrounding uses or can be made compatible through limitations of their operation or enhancements of the site development design. The special use permit makes the stipulations of approval mandatory. The special use permit is valid for the property on which it is issued for as long as the conditions are met, unless the approval stipulates otherwise. Schedules 3.2.1.1 (residential), and 3.2.1.2 (non-residential) indicate what uses require special use permits in various zones. See section 2.2.4 for the application procedure.

4.3.1 *Alcoholic beverage sale approval.* The following are the criteria for review and approval of an application for alcoholic beverage sales (see section 2.2.9 for application requirements).

4.3.1.1 Approval shall not be granted for a site in a residential land use atlas district.

4.3.1.2 Approval shall not be granted on any site within 300 feet of any place of worship, day care center, or public or private elementary, middle, or high school. In accordance with F.S. § 562.45(2a) establishments licensed after July 1, 1999, or restaurants not meeting the 51 percent rule shall not be located within 500 feet of any such school. Such distance shall be measured from the main entrance of the applicant establishment, along the shortest route of pedestrian travel, to the main entrance of the principal building of the place of worship or day care center, or to the nearest point on the school grounds.

4.3.1.3 Approval shall not be granted if the sale of alcoholic beverages is found to be incompatible with surrounding land uses.

4.3.1.4 Reasonable stipulations may be attached to an approval for the purpose of rendering the use compatible with surrounding land use. Stipulations may include, but are not limited to, restrictions on the hours of operation and the addition of buffer strips.

4.3.11 Sidewalk *café.* The sidewalk café provides for outdoor seating in conjunction with a restaurant or drinking establishment and is permitted in accordance with schedule 3.2.1.2 upon approval of a certificate of use or special use permit, and subject to the following restrictions:

4.3.11.1 *Seating area.* The number of outdoor seats and tables shall be limited to that number that can be reasonably accommodated according to the available widths of the associated storefront and sidewalk. Adjacent sidewalk bulb-out areas, even if not located directly in front of the associated storefront, may be considered on an individual basis, when the affected storefront owner does not object. Clear pedestrian access shall be maintained at all times, and no seating or tables shall interfere with ingress/egress of buildings or create an unsafe situation with street traffic. The sidewalk café owner/operator shall remove from the sidewalk and place out of public view any seating or tables when the business is closed, or when an authorized agent of the city makes such a request.

4.3.11.2 *Maintenance.* Public sidewalk approved as part of any sidewalk café shall be properly maintained for safety and cleanliness by the sidewalk café owner/operator on a daily basis. Litter, dirt, grime, grease, and food shall not be permitted to accumulate at any time.

4.3.11.3 *Assurance.* An indemnity agreement, provided by the PCD director shall be signed and provided by the sidewalk café owner/operator, along with proof of public liability insurance as approved by the city attorney.

4.3.11.4 *[Alcoholic beverages.]* Alcoholic beverages served as part of any sidewalk café on public property shall require city council approval, pursuant to subsections 2.2.9 and 4.3.1. and F.S. chapters 561 and 562. City council reserves the right to limit the number of sidewalk cafes providing alcoholic beverage service.

Compliance Overview with Land Use Regulations

Land uses requiring Special Use Permits are those which have the potential of disturbing other land uses in the zoning district. Because they are not necessarily compatible with land uses in the zone in which they are allowed, they require discretionary review. Special uses are permitted only if the use will be compatible with surrounding uses or can be made compatible through limitations of their operation or enhancements of the site development design. The Special Use Permit makes the stipulations of approval mandatory. The Special Use Permit is valid for the property on which it is issued for as long as the conditions are met, unless the approval stipulates otherwise.

The following is a list of required Land Use Regulations subject to review for Special Use Permits:

GENERAL STANDARDS (LAND USE REGULATIONS):

3.3.1 *General standards.* All special uses shall comply at minimum with the following standards. Additional requirements may be made by city council to ensure compatibility of uses.

3.3.1.1 All special uses shall be subject to the general regulations of these LURs for single lot development, structures, lots, yards and vehicular use areas as well as the specific dimensional regulations for

lots and structures for the zoning district in which the special use is proposed.

3.3.1.2 A landscaped separation strip of at least ten feet in width shall be provided along all property lines and along all streets serving the premises, except at approved access points.

3.3.1.3 If the use is listed as a specific use in section 4.3, the standards of that section must be met.

REVIEW CRITERIA (LAND USE REGULATIONS):

3.3.2 *Review criteria.* All special uses shall comply with and be reviewed using the following criteria to determine whether to allow the use at the proposed location and to determine appropriate conditions to the use.

3.3.2.1 The tract of land must be suitable for the type of use proposed by virtue of its location, topography, shape and the nature of surrounding development.

Staff Response: It appears that the proposed use of a sidewalk café is suitable for the subject locations.

3.3.2.2 Access points must be located so as to best suit the use and property. Wide spacing between access points and intersecting streets should be required when feasible.

Staff Response: It appears that access points will not be negatively impacted by the proposed use.

3.3.2.3 All buildings shall be located an adequate distance from property lines and streets. Setbacks in excess of those required for the specific zone may be required to lessen the effect of the use on neighboring properties.

Staff Response: No new buildings will be constructed as part of the proposed use.

3.3.2.4 Permanent screening, such as walls, fences, hedges, and other barriers, may be required to protect surrounding properties from view of the premises or noises from the use. The minimum height and other parameters of such screening may be specified.

Staff Response: Requirement cannot be met due to the existing built environment.

3.3.2.5 The following shall be considered and cited as reasons for approval or denial of the application:

a. Adequacy of ingress and egress to property and proposed structures with particular regard for automobiles and pedestrian safety and convenience, traffic generation, flow and control and emergency access.

   Staff Response: No new ingress and egress points are being proposed as part of the subject request. The applicant is also proposing a minimum of no less than 5′ of traversable space on the public sidewalk.

b. Location and design of off-street parking and loading areas in regard to the items in "a." above and the smoke, noise, glare, dust, vibrations, fumes, pollution, and other effects of the use on adjoining properties.

   Staff Response: It appears that the subject request will not have any negative impacts on adjacent properties as far as smoke, glare, dust, vibrations, fumes, and pollution.

c. Location and design of refuse and service areas in regard to availability, adequacy, and effect upon surrounding properties.

   Staff Response: It appears that the subject request will not affect the location and design of existing refuse and service areas.

d. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties.

   Staff Response: It appears that the subject request will not affect or impact existing utilities.

e. Screening, buffering or separation of any nuisance or hazardous feature of the use.

   Staff Response: No screening, buffering or separation are being proposed as the area is a built environment.

f. Proposed signs and exterior lighting with reference to glare, traffic safety and compatibility and harmony with surrounding properties.

Staff Response: No new lighting or signage is being proposed as part of the subject requests. Should any lighting or signage be installed in the future, it shall be in accordance with the City of Bradenton's requirements.

g. Effect upon the value of surrounding properties; the use shall not hinder the development of nearby vacant properties or adversely affect their economic value.

Staff Response: It appears that the subject request will not adversely affect the economic value of surrounding properties.

h. Adequacy of land and/or building which are to be used.

Staff Response: It appears that the area is adequate in size for the subject request. The subject request is to ensure compliance to the Form Based Code and Land Use Regulations.

i. General compatibility or appropriateness with adjacent properties and other property in the district with special consideration given to the proposed hours of operation.

Staff Response: It appears that the proposed request is appropriate for the subject property and district.

j. Environmental quality of the district in which the use is proposed and the effect the special use permit might have on such quality.

Staff Response: It appears that there will be no negative impacts to the existing environmental quality of the district as a result of the subject request.

k. Consistency with the city's comprehensive plan.

Staff Response: It appears that the proposed sidewalk café is consistent with the Comprehensive Plan as the Comprehensive Plan encourages walkability and non-auto-oriented uses.

STAFF COMMENTS:

1. Planning Commission is encouraged to evaluate the request based on the provided criteria, as well as input from staff, the applicant, and the public.
2. It is in staff's opinion that the request is found to be consistent with the intent of Section 3.3.2.5 of the Land Use Regulations and the Design Element of the Comprehensive Plan.

Should the Planning Commission wish to recommend to City Council approval the subject request, staff recommends that the following stipulations be applied to the approval:

a. The approved Resolution, including the approved site plan and conditions shall be on display and accessible on the Property during business hours.
b. Within 30 days following the approval, the Property Owner shall execute an Indemnification Agreement in a form acceptable to the City.
c. Clear pedestrian access on the public sidewalk of no less than 5' shall be maintained at all times in a way that neither seating nor tables affect the ingress/egress of travel, the safety or pedestrian and traffic circulation.
d. The property/business owner shall obtain all State licenses permitting the sale of alcohol as part of the sidewalk café.
e. Any cleaning solution used to clean the sidewalk café area shall be approved by the Bradenton Public Works.
f. Any future increase in seating for the sidewalk café area shall be approved by City Council.

Respectfully submitted,

Gregory J. DeLong
Assistant Director of Planning & Community Development

EXHIBITS:

EXHIBIT "A": Location Map

EXHIBIT "B": Future Land Use Map

EXHIBIT "C": Zoning Map

EXHIBIT "D": Proposed Overall Project Site Layout

EXHIBIT "A"
Location Map

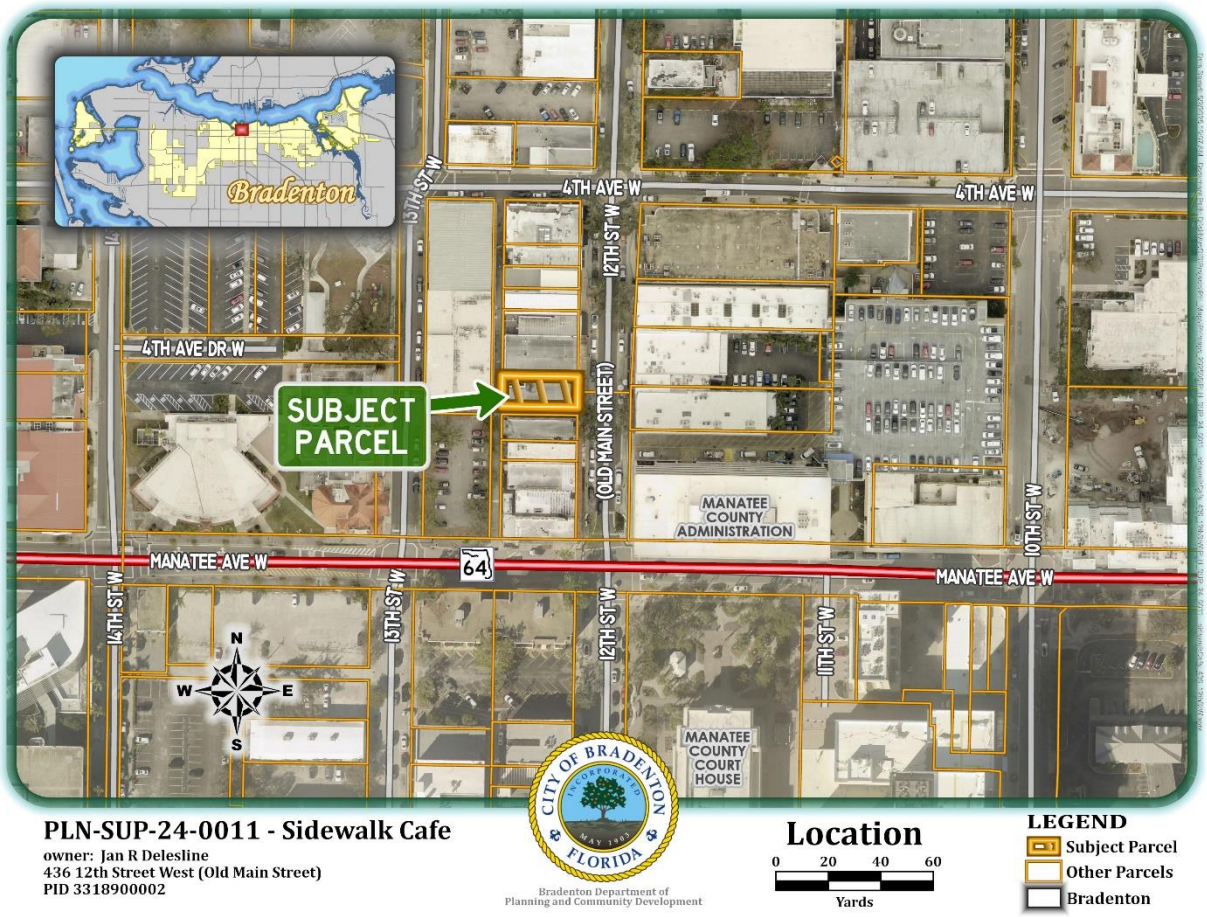


EXHIBIT "B"
Future Land Use Map

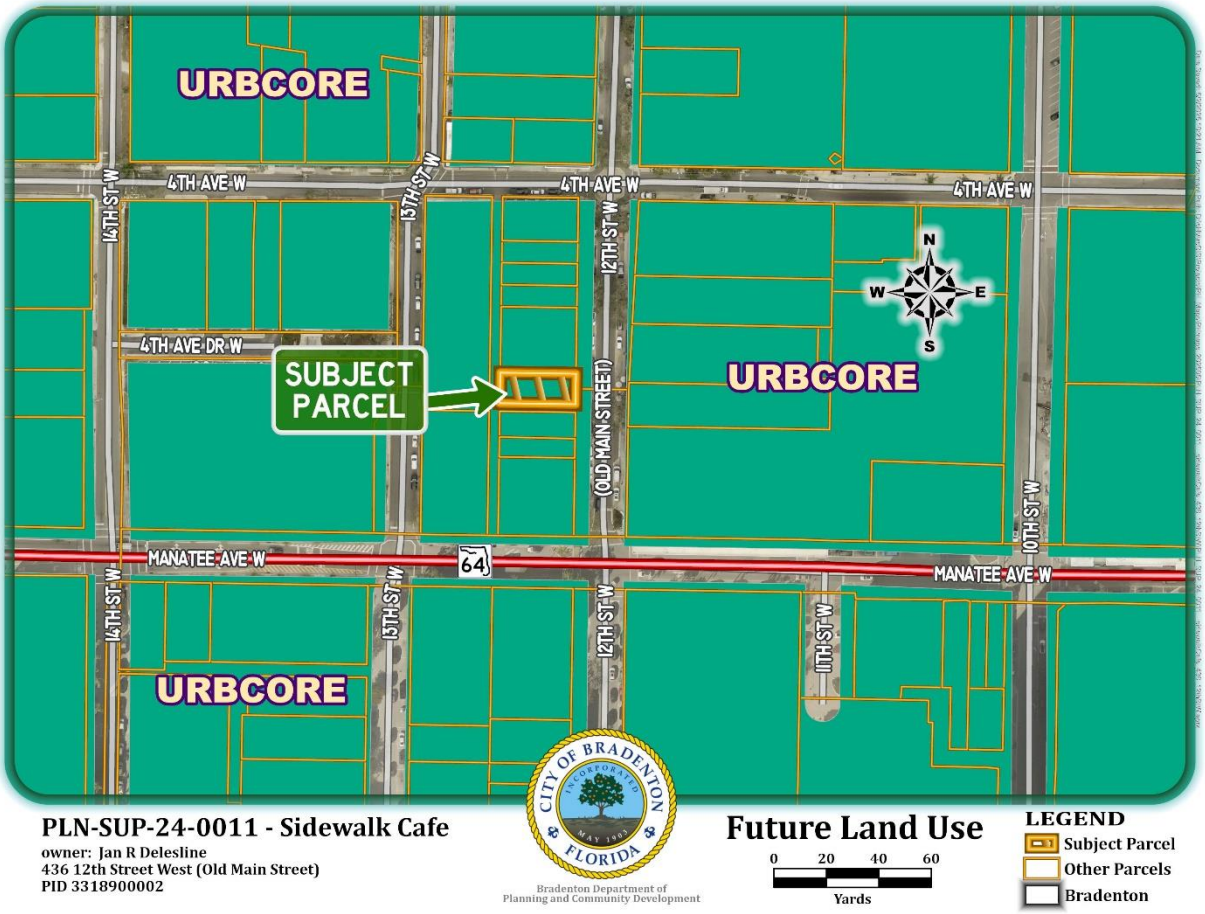


EXHIBIT "C"
Zoning Map

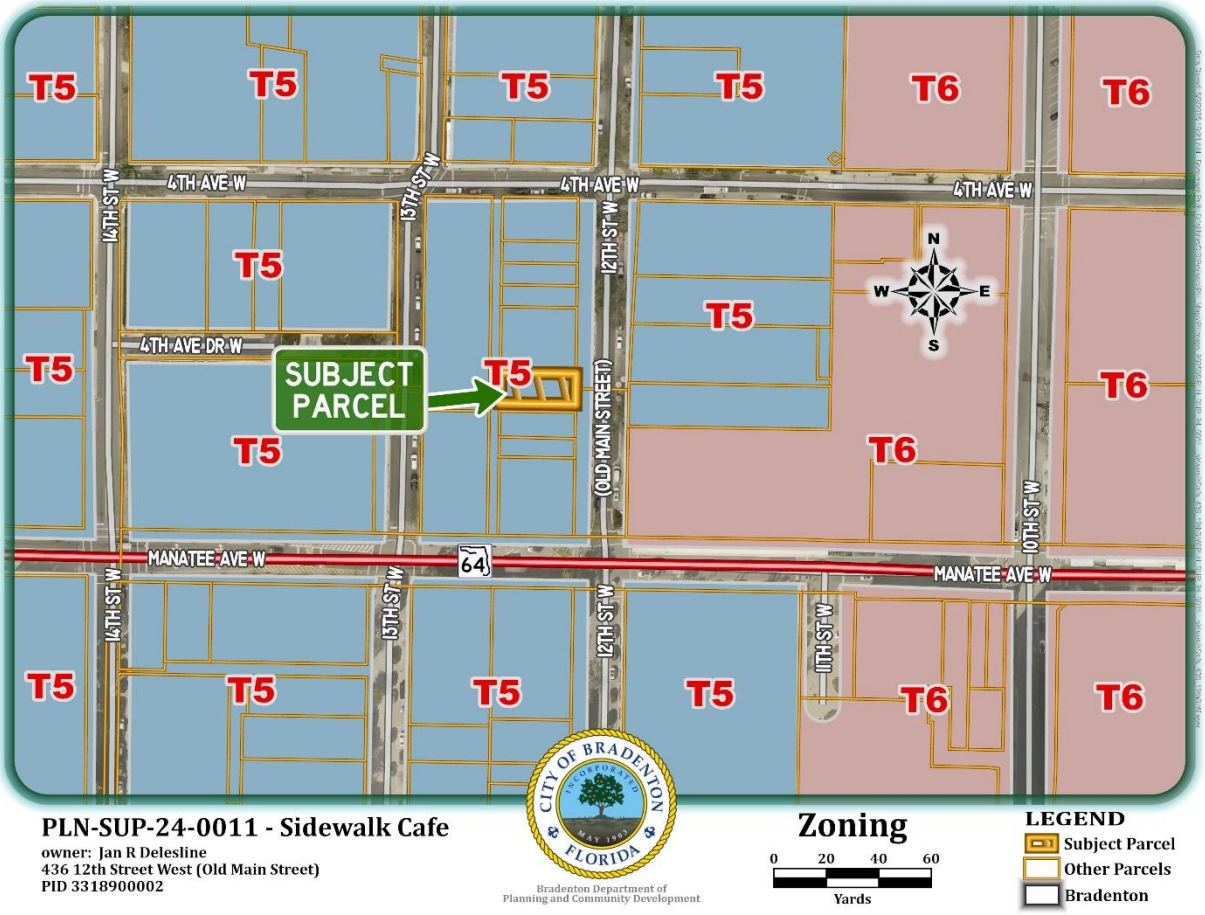
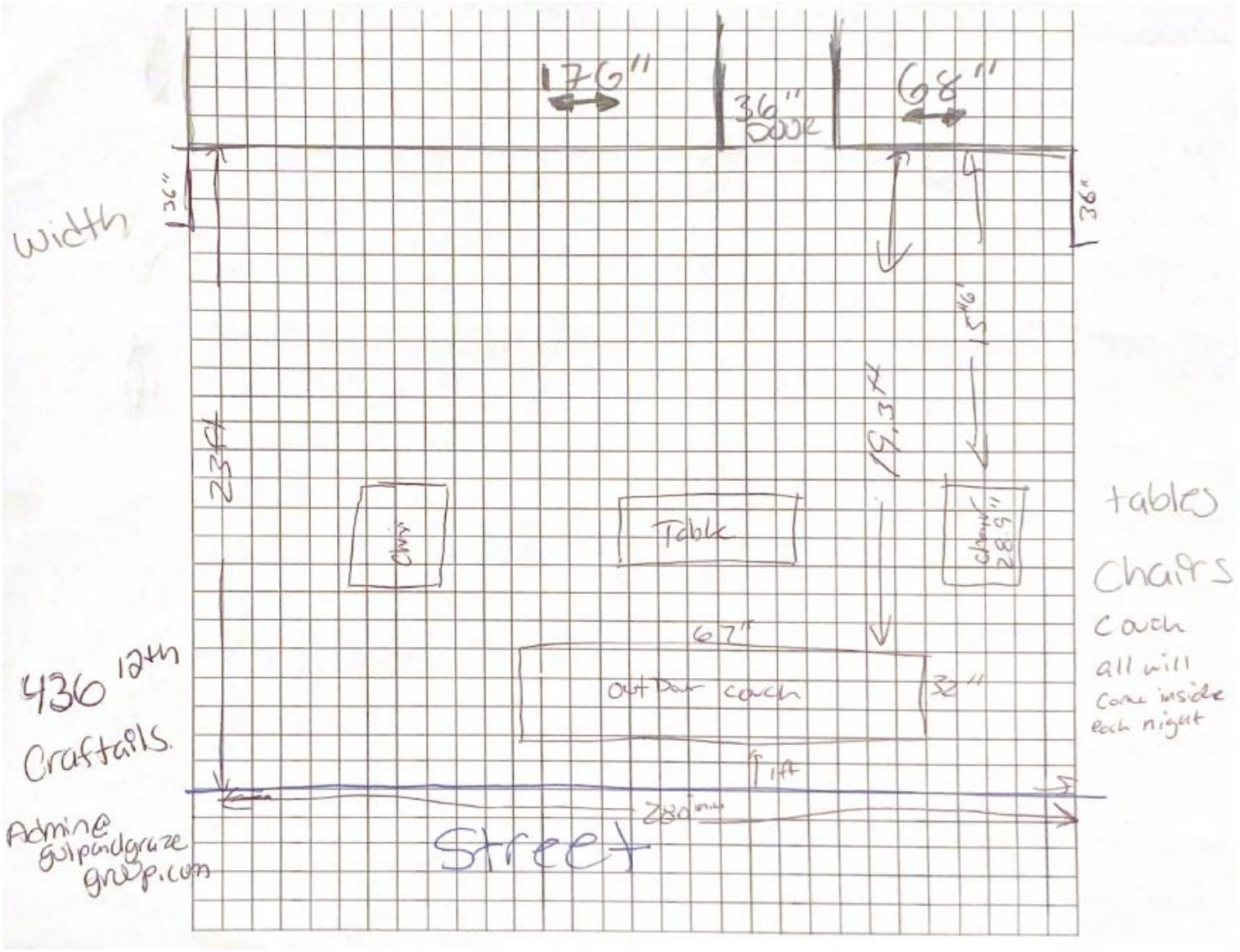


EXHIBIT "D"
Proposed Project Site Layout



AGENDA ITEM NO. 6.d

Item Cover Page

PLANNING COMMISSION MEETING AGENDA ITEM REPORT

DATE: May 21, 2025

SUBMITTED BY: Greg DeLong, Planning & Community Development

ITEM TYPE: Resolution

AGENDA SECTION: **AGENDA ITEMS**

SUBJECT: **Resolution 25-60; Case PLN-SUP-24-0012:** Request for a Special Use Permit to allow for a sidewalk café with alcoholic beverage sales; to be located at 430 12th Street West (Parcel ID 3319000000) in the T5 (Urban Center) transect zoning district. Application filed by Joseph Bennett (agent) for Jan R. DeLesline, as Trustee of the Jan R. DeLesline Revocable Living Trust dated February 14, 2008 (owner).

SUGGESTED ACTION: Motion to recommend to City Council either approval or denial of Resolution 25-60, Case PLN-SUP-24-0012.

If the action is to approve, the following are recommended stipulations for approval:

a. The approved Resolution, including the approved site plan and conditions shall be on display and accessible on the Property during business hours.
b. Within 30 days following the approval, the Property Owner shall execute an Indemnification Agreement in a form acceptable to the City.
c. No more than 3 tables with built-in seats (4 seats in each) may remain on the sidewalk when the business is closed.
d. Clear pedestrian access on the public sidewalk of no less than 5’ shall be maintained at all times in a way that neither seating nor tables affect the ingress/egress of travel, the safety or pedestrian and traffic circulation.

e. The property/business owner shall obtain all State licenses permitting the sale of alcohol as part of the sidewalk café.
f. Any cleaning solution used to clean the sidewalk café area shall be approved by the Bradenton Public Works.
g. Any future increase in seating for the sidewalk café area shall be approved by City Council.

Is this item Quasi-Judicial?
Yes

Does this item require a public hearing?
Yes

EXPLANATION:
The applicant has submitted a Special Use Permit application requesting permission to allow a sidewalk cafe with alcoholic beverages at 430 12th Street West.

While a sidewalk cafe has been in place at the subject property, the subject Special Use Permit will ensure compliance to City of Bradenton's Form Based Code and Land Use Regulations, should approval be granted by City Council.

FINANCIAL IMPACT:
N/A

ATTORNEY REVIEW/RECOMMENDATION:
Reviewed by City Attorney Rudacille.

SUGGESTED MOTION:
Motion to recommend either approval or denial of Resolution 25-60 with stipulations recommended by staff.

ATTACHMENTS:
Resolution 25-60 (DRAFT).pdf
Application.pdf
Staff Report.pdf

RESOLUTION 25-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, GRANTING SPECIAL USE PERMIT NO. PLN-SUP-24-0012 TO PERMIT A SIDEWALK CAFÉ WITH ALCOHOLIC BEVERAGE SALES FOR PROPERTY LOCATED AT 430 12TH STREET WEST, BRADENTON, FLORIDA (PARCEL ID NO 3319000000), IN THE T5 URBAN CENTER TRANSECT ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jan R. DeLesline, as Trustee of the Jan R. DeLesline Revocable Living Trust dated February 14, 2008 (the "Property Owner" or "Applicant") owns the property located at 430 12th Street West, Bradenton, Florida (Parcel ID No 3319000000), more particularly described in Exhibit "A" (the "Property"); and

WHEREAS, the City of Bradenton Comprehensive Plan's Future Land Use Map designates the Property as Urban Core (URBCORE); and

WHEREAS, the City of Bradenton Official Zoning Map classifies the Property under the (T5) Urban Center – Transect Zoning District; and

WHEREAS, the City of Bradenton Form Based Code, Table 4.7, identifies uses in the T5 transect zoning district; and

WHEREAS, the City of Bradenton Form Based Code, Table 4.7, identifies Café/Sidewalk Café with less than 20 seats as a permitted use in the T5 transect zoning district; but stipulates that City Council approval may be required per the Land Use Regulations; and

WHEREAS, the City of Bradenton Land Use Regulations, Section 4.3.11.4, states that alcoholic beverage sales served as part of any sidewalk café on public property shall require City Council approval; and

WHEREAS, the Property Owner submitted an application for a Special Use Permit to permit a sidewalk café with alcoholic sales; and

WHEREAS, the Planning Commission held a noticed public hearing on May 21, 2025, at which the Commission received testimony and evidence from the applicant and City Planning staff; and

WHEREAS, the City Council held a noticed public hearing on June 11, 2025, at which the Council received testimony and evidence from City Planning staff and members of the public in attendance.

NOW, THEREFORE, the City Council makes the following Findings of Fact and Conclusions of Law and issues the Final Order as follows:

Section 1. Findings of Fact and Conclusions of Law. After considering the evidence on the record and that presented at public hearing, including the staff report and the recommendation of the Planning Commission, the City Council hereby makes the following Findings of Fact and Conclusions of Law:

a. The Whereas clauses contained herein are hereby adopted as Findings of Fact.
b. The Property Owner is requesting approval of a Special Use Permit to operate a sidewalk café with alcoholic sales, as shown on the Site Plan attached hereto as Exhibit "B".
c. The City's professional staff determined that with the proposed stipulations, the project is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.
d. The City's professional staff recommended stipulations to consider for an approval.
e. The Planning Commission, which is designated as the local planning agency, determined that with the proposed stipulations, the project is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.
f. The Planning Commission recommended approval with stipulations.
g. The proposed use meets the review criteria in Section 3.3.2 of the City Code as follows:

    1. The tract of land is suitable for the type of use proposed by virtue of its location, topography, shape, and the nature of surrounding development. See 3.3.2.1.
    2. Access points are located so as to best suit the use and property. Wide spacing between access points and intersecting streets should be required when feasible. See 3.3.2.2.
    3. All buildings are located an adequate distance from property lines and streets. See 3.3.2.3.
    4. Permanent screening, such as walls, fences, hedges, and other barriers, are not needed to protect surrounding properties from view of the premises or noises from the use. See 3.3.2.4.
    5. Adequate ingress and egress is provided to property and proposed structures with particular regard for automobiles and pedestrian safety and convenience, traffic generation, flow and control and emergency access. See 3.3.2.5.
    6. Location and design of off-street parking and loading areas in regard to the items in "a." above and the smoke, noise, glare, dust, vibrations, fumes, pollution and other effects of the use on adjoining properties is adequate for the proposed use. See 3.3.2.5.

7. Location and design of refuse and service areas are sufficient in regard to availability, adequacy and effect upon surrounding properties. See 3.3.2.5.
8. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties are provided. See 3.3.2.5.
9. Screening, buffering or separation of any nuisance or hazardous feature of the use are not needed for the proposed use. See 3.3.2.5.
10. Proposed signs and exterior lighting are adequate with reference to glare, traffic safety and compatibility and harmony with surrounding properties. See 3.3.2.5.
11. Effect upon the value of surrounding properties; the use will not hinder the development of nearby vacant properties or adversely affect their economic value. See 3.3.2.5.
12. The land and/or building which are to be used are adequate for the proposed use. See 3.3.2.5.
13. The proposed use is compatible and appropriate with adjacent properties and other property in the district with special consideration given to the proposed hours of operation. See 3.3.2.5.
14. The proposed use will not affect the environmental quality of the district. See 3.3.2.5.
15. The proposed use is consistent with the City's comprehensive plan. See 3.3.2.5.

Section 2. Permit. Based upon the foregoing, a Special Use Permit is hereby approved and issued for the Property, to allow for a sidewalk café with alcoholic sales for a maximum of 3 tables with built-in seats (4 seats each), as generally shown on the Site Plan attached hereto as Exhibit "B", subject to the following stipulations:

a. The approved Resolution, including the approved site plan and conditions shall be on display and accessible on the Property during business hours.
b. Within 30 days following the approval, the Property Owner shall execute an Indemnification Agreement in a form acceptable to the City.
c. No more than 3 tables with built-in seats (4 seats in each) may remain on the sidewalk when the business is closed.
d. Clear pedestrian access on the public sidewalk of no less than 5' shall be maintained at all times in a way that neither seating nor tables affect the ingress/egress of travel, the safety or pedestrian and traffic circulation.
e. The property/business owner shall obtain all State licenses permitting the sale of alcohol as part of the sidewalk café.
f. Any cleaning solution used to clean the sidewalk café area shall be approved by the Bradenton Public Works.

g. Any future increase in seating for the sidewalk café area shall be approved by City Council.

Section 3. State and Federal Permits. Issuance of this development permit by the City does not in any way create any right on the part of the Applicant to obtain a permit from a state or federal agency and does not create any liability on the party of the City for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. The Applicant must obtain all applicable state and federal permits before commencing development or use.

Section 4. Severability. In the event that any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Resolution which shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall be effective upon adoption.

ORDERED ON BEHALF OF THE CITY OF BRADENTON THIS 11th DAY OF JUNE 2025.

THE CITY OF BRADENTON, BY AND THROUGH THE CITY COUNCIL OF THE CITY OF BRADENTON

ATTEST:

_____ _____

Tamara Melton
CITY CLERK

Gene Brown
MAYOR

APPROVED AS TO FORM:

_____
Scott Rudacille
CITY ATTORNEY

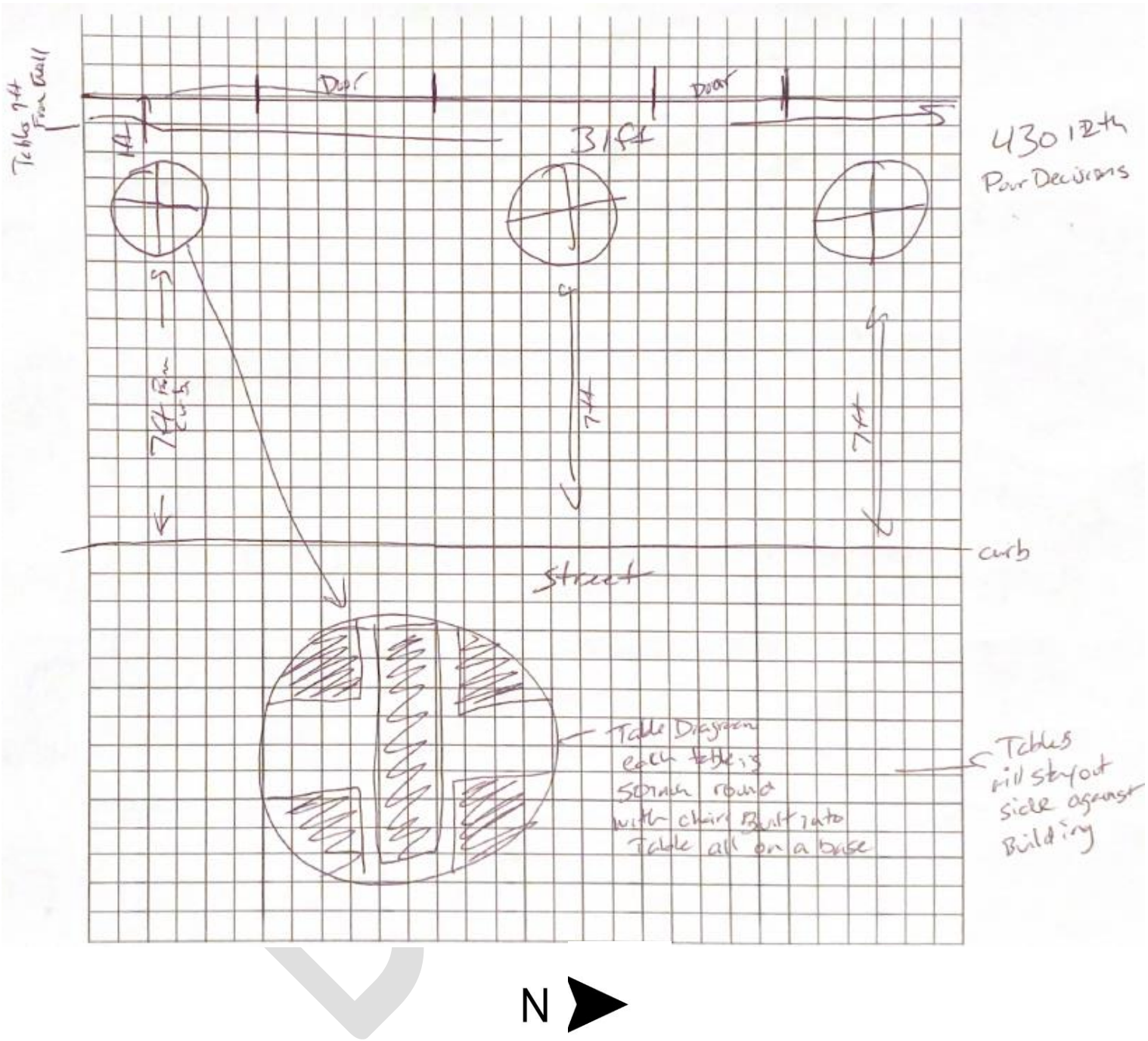
DRAFT

EXHIBIT "A"

Parcel 3319000000:
LOTS 8,9,10 FULLER BLOCK PI#33190.0000/0

DRAFT

EXHIBIT "B"


Door
Door
31ft
430 12th
Pour Decisions
curb
street
Table Diagram
each table is
seat round
with chair built into
Table all on a base
Tables
will stay out
side against
Building
N

PLN-SUP-24-0012

Menu Reports Help

File Date: 12/31/2024

Application Status: Scheduled-Planning Commission

Assigned To:

Application Name:

Application Detail: Detail

Scope of Work: We would like to have tables and chairs outside on the sidewalk.

Application Type: Special Use Permit

Documents:

File Name	Document Group	Category	Description	Type	Document Status	Document Status Date
430 12 pds Bradenton.pdf	PLANNING	Other	Site plan	application/pdf	Uploaded	03/24/2025
430-440 auth form.pdf	PLANNING	Other	Agent Authorization...	application/pdf	Uploaded	03/24/2025
430 12th st .pdf	PLANNING	Correspondence	Site plan	application/pdf	Uploaded	04/15/2025

Show all

Address: 430 12TH St W, BRADENTON, FL 34205

Owner Name: DELESLINE JAN R

Owner Address: PO BOX 283, TERRA CEIA, FL 34250

Parcel No: 3319000000

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Application Comments:

View ID	Comment	Date

Initiated by Product: ACA

Contact Info:

Name	Organization Name	Contact Type	Status
Charles Ferrara	The Brown Bag	Applicant	Active

Job Value: $0.00

Total Fee Assessed: $0.00

Total Fee Invoiced: $0.00

Balance: $0.00

Custom Fields: **SPECIAL USE**

Type	Other
Lounges	

MEETING INFORMATION

Meeting Type	Date	Status

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Intake	Greg DeLong	Ready for Pr...	04/21/2025	Greg DeLong
Case Manager	Greg DeLong	Ready for Re...	04/21/2025	Greg DeLong
Building Review				
Public Works Review				
Fire Review				
Other Reviews				
Planning Review	Greg DeLong	Pass	04/21/2025	Greg DeLong
Review Consolidation	Greg DeLong	Scheduled fo...	04/21/2025	Greg DeLong
DRC				
Planning Commission	Greg DeLong			
City Council #1				
City Council #2				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

bradenton
The Friendly City

Agent Authorization Form

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400
www.cityofbradenton.com

PLANNING & ZONING AGENT AUTHORIZATION FORM

Property Address: 436 12th St

I, John DeLesline, the registered property owner(s) of the above noted property, do hereby authorize

Joseph Bennett — 430 - 440 12th Street
Print Name of Agent — Company Name

to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standards and conditions applicable.

AGENT AUTHORIZATION

P.O. Box 283 Terra Ceia, FL 34250
Signature of Owner(s) — Owner(s) Address (if different than property above)

P.O. Box 283 Terra Ceia, FL 34250
Signature of Agent — Agent Address and Phone

REQUIRED

NOTARY

STATE OF FLORIDA, MANATEE COUNTY

The Foregoing instrument was acknowledged before me by means of X physical presence or online notarization, this 8th day of January 2025, produced _____

Personally known

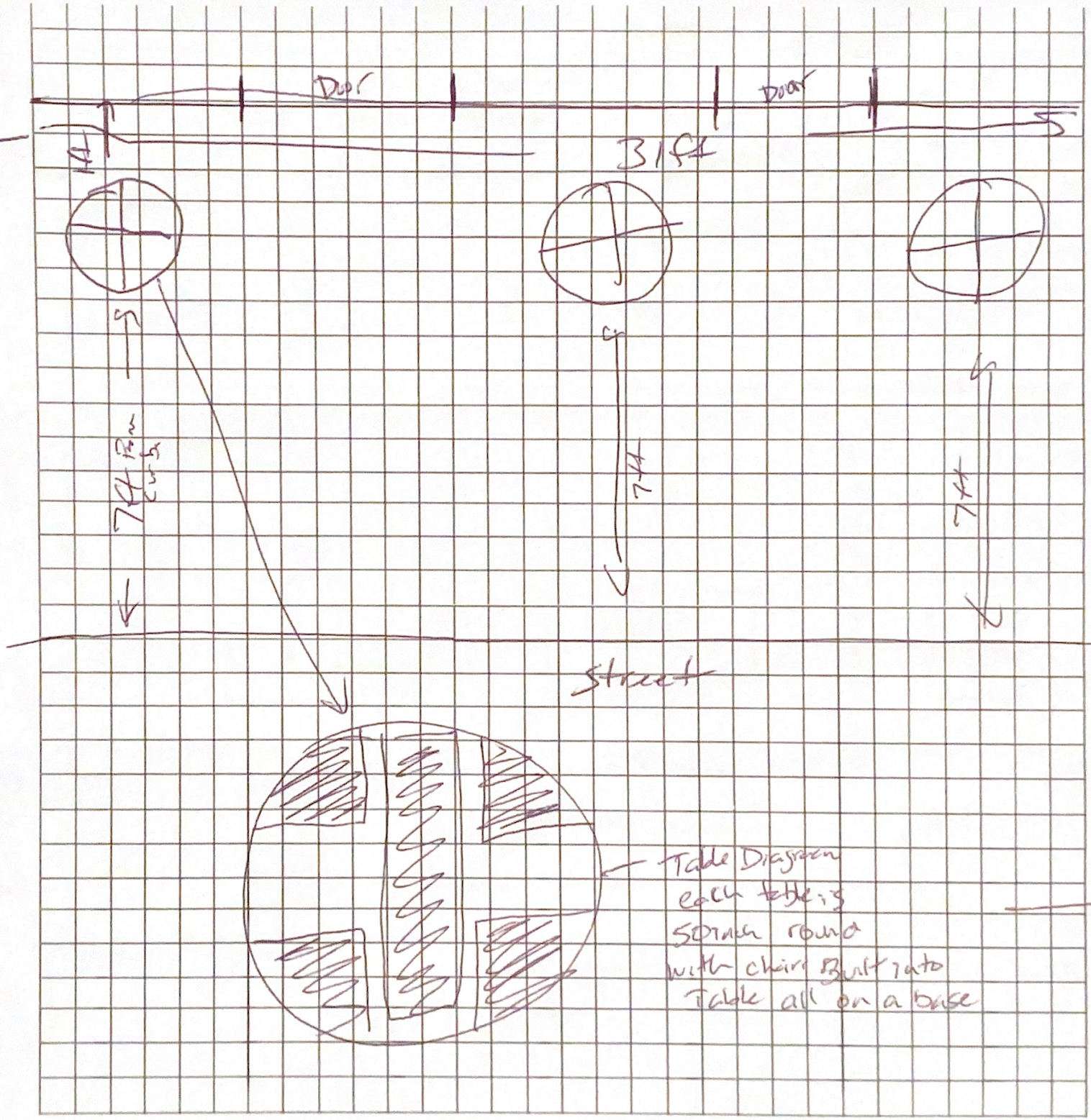
identification and who did (did not) take an oath:

Signature

JAN R DELESLINE
Notary Public
State of Florida
Comm# HH431320
Expires 8/8/2027

Print Name — Notary Public

State of Florida
My Commission Expires: _____



430 12th
Poor Decisions

City of Bradenton
Planning and Community Development Department
Planning Commission Public Hearing
May 21, 2025

Staff Report

Case Number: PLN-SUP-24-0012
Res. Number: 25-60
Applicant: Joseph Bennett (agent)
Owner: Jan R. DeLesline, as Trustee of the Jan R. DeLesline Revocable Living Trust dated February 14, 2008
Address: 430 12th Street West
Parcel ID No: 3319000000
Current Zoning: T5 (Urban Center – Transect District)
Future Land Use: URBCORE (Urban Core)
Flood Zone: X

Surrounding Property Zoning:

Current Zoning: North: T5 (Urban Center – Transect District)
South: T5 (Urban Center – Transect District)
East: T5 (Urban Center – Transect District)
West: T5 (Urban Center – Transect District)

Future Land Use: North: URBCORE (Urban Core)
South: URBCORE (Urban Core)
East: URBCORE (Urban Core)
West: URBCORE (Urban Core)

Joseph Bennett (agent) for Pour Decisions submitted a Special Use application requesting permission to allow a sidewalk café with alcoholic beverage sales at 430 12th Street West.

While a sidewalk café has been in place at the subject property, the Special Use process will ensure compliance to the City of Bradenton's Form Based Code and Land Use Regulations, should approval be granted by City Council.

According to the submitted application materials, the proposed café area will be located on the sidewalk along 12th Street West. Following is a summary of the request:

- Area size: 31' x 19' (unit width and sidewalk depth).
- Number of Tables: 3-tables with each having 4 seats built in.
- Bussing and Hostess Stations: No.

- Table Umbrellas: No.
- Traversable Area: 7’ (minimum width)
- Requesting permission to allow for the 3 tables with built in seats to remain on sidewalk after business hours.

There are no Fire Department Connections (FDC) within the proposed café area.

The City of Bradenton Development Review Committee (DRC) reviewed the request at their May 6, 2025, meeting and the Committee had no concerns with the proposed request.

The subject property is in the T5 Urban Center Transect Zoning District. According to Table 4.7 of the Form Based Code (FBC), Café/Sidewalk Café’s with less than 20 seats are a permitted use. City Council approval may be required if there is the sale of Alcoholic beverages, per footnote #1 and Section 4.3.11.4 of the Land Use Regulations (LUR).

Table 4.7: Specific Function & Use.

	T3	T4-R	T4-O	T5	T6	SD
Special Events		SU	SU	SU	SU	P
Retail Building			P	P	P	SU
Display Gallery			P	P	P	SU
Restaurant			P	P	P	SU
Kiosk			P	P	P	SU
Cafe/Sidewalk Cafe<20 seats[1]			P	P	P	P

1. City Council approval may be required. Refer to Sections 2.2.9 and 4.3.1 for alcoholic beverage sales and approval requirements.

FORM BASED CODE REGULATIONS:
12.1.d.vi *Sidewalk café.* An area where food or beverage is served from an adjacent café or restaurant to patrons seated at tables located within the sidewalk area adjacent to the café or restaurant.

COMPREHENSIVE PLAN:

Design Element:

Policy 1.1.1 Design Standards, Public Streets, Buildings/Architecture, Open Space, and the Public Realm

The City shall consider inclusion of additional requirements for enhancements in the Land Development Regulations. Standards for enhancements to be considered include the following:

Public Streets

Public Streets should provide the primary vehicle and pedestrian circulation infrastructure for the City. Public and private development should use the existing street grid as a framework and should expand the public street network as necessary to provide connectivity between new and older development. Development of new and extended streets should generally be kept in scale with the existing street network found along Bradenton's waterfront including the Downtown and Old Manatee Village areas.

2. Sidewalks are important to defining streets as civic places. Sidewalks should be provided along both sides of all streets and should be wide enough to accommodate visiting and residential pedestrians comfortably and safely. The pedestrian environment should be further enhanced through the use of fixed street furniture, compatible and consistent lighting, and landscaping. Sidewalk cafes, temporary art installations, and seasonal lighting are encouraged along public sidewalks as a means to encourage the year-round activity.

Policy 1.2.5 Sidewalk Design

The City shall require sidewalks to have a minimum clear width of five feet wide.

Private Property Rights Element

Policy 1 Statement of Rights

The following rights shall be considered in local decision making**:**

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possession and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

LAND USE REGULATIONS:

2.2.10 *Alcoholic beverage sale approval*. Administrative approval is allowable for all complete alcoholic beverage state license applications, except events proposed to be held on public property or requiring public services. The PCD director may require city council approval of certain alcoholic beverage license applications to protect the public interest. Certain uses associated with alcoholic beverage licensing may require discretionary review pursuant to schedule 3.2.1.2. and shall comply with subsection 2.2.9.

2.2.10.1 Application. The application (paper or electronic media in a PDF format) must indicate the type of state license the business is to operate under, and be accompanied by a site plan showing all churches, day care facilities and schools within a 1,000-foot radius of the subject property boundary, as well as other information that may be required by the PCD director to sufficiently review the application per subsection 4.3.1. The application fee is set forth in appendix A.

2.2.10.2 Public notice. When required, public notice shall be given as per subsection 2.3.1.

2.2.10.3 Review and approval. The application shall be reviewed using the criteria in subsection 4.3 pursuant to schedule 2.3. Upon the granting of approval by city council, or if administrative approval is authorized, the PCD director shall sign the state alcoholic beverage vending license application.

3.3 Special Use Permits.

Land uses requiring special use permits are those which have the potential of disturbing other land uses in the zoning district. Because they are not necessarily compatible with land uses in the zone in which they are allowed, they require discretionary review. Special uses are permitted only if in the specific instance the use will be compatible with surrounding uses or can be made compatible through limitations of their operation or enhancements of the site development design. The special use permit makes the stipulations of approval mandatory. The special use permit is valid for the property on which it is issued for as long as the conditions are met, unless the approval stipulates otherwise. Schedules 3.2.1.1 (residential), and 3.2.1.2 (non-residential) indicate what uses require special use permits in various zones. See section 2.2.4 for the application procedure.

4.3.1 *Alcoholic beverage sale approval.* The following are the criteria for review and approval of an application for alcoholic beverage sales (see section 2.2.9 for application requirements).

4.3.1.1 Approval shall not be granted for a site in a residential land use atlas district.

4.3.1.2 Approval shall not be granted on any site within 300 feet of any place of worship, day care center, or public or private elementary, middle, or high school. In accordance with F.S. § 562.45(2a) establishments licensed after July 1, 1999, or restaurants not meeting the 51 percent rule shall not be located within 500 feet of any such school. Such distance shall be measured from the main entrance of the applicant establishment, along the shortest route of pedestrian travel, to the main entrance of the principal building of the place of worship or day care center, or to the nearest point on the school grounds.

4.3.1.3 Approval shall not be granted if the sale of alcoholic beverages is found to be incompatible with surrounding land uses.

4.3.1.4 Reasonable stipulations may be attached to an approval for the purpose of rendering the use compatible with surrounding land use. Stipulations may include, but are not limited to, restrictions on the hours of operation and the addition of buffer strips.

4.3.11 Sidewalk *café.* The sidewalk café provides for outdoor seating in conjunction with a restaurant or drinking establishment and is permitted in accordance with schedule 3.2.1.2 upon approval of a certificate of use or special use permit, and subject to the following restrictions:

4.3.11.1 *Seating area.* The number of outdoor seats and tables shall be limited to that number that can be reasonably accommodated according to the available widths of the associated storefront and sidewalk. Adjacent sidewalk bulb-out areas, even if not located directly in front of the associated storefront, may be considered on an individual basis, when the affected storefront owner does not object. Clear pedestrian access shall be maintained at all times, and no seating or tables shall interfere with ingress/egress of buildings or create an unsafe situation with street traffic. The sidewalk café owner/operator shall remove from the sidewalk and place out of public view any seating or tables when the business is closed, or when an authorized agent of the city makes such a request.

4.3.11.2 *Maintenance.* Public sidewalk approved as part of any sidewalk café shall be properly maintained for safety and cleanliness by the sidewalk café owner/operator on a daily basis. Litter, dirt, grime, grease, and food shall not be permitted to accumulate at any time.

4.3.11.3 *Assurance.* An indemnity agreement, provided by the PCD director shall be signed and provided by the sidewalk café owner/operator, along with proof of public liability insurance as approved by the city attorney.

4.3.11.4 *[Alcoholic beverages.]* Alcoholic beverages served as part of any sidewalk café on public property shall require city council approval, pursuant to subsections 2.2.9 and 4.3.1. and F.S. chapters 561 and 562. City council reserves the right to limit the number of sidewalk cafes providing alcoholic beverage service.

Compliance Overview with Land Use Regulations

Land uses requiring Special Use Permits are those which have the potential of disturbing other land uses in the zoning district. Because they are not necessarily compatible with land uses in the zone in which they are allowed, they require discretionary review. Special uses are permitted only if the use will be compatible with surrounding uses or can be made compatible through limitations of their operation or enhancements of the site development design. The Special Use Permit makes the stipulations of approval mandatory. The Special Use Permit is valid for the property on which it is issued for as long as the conditions are met, unless the approval stipulates otherwise.

The following is a list of required Land Use Regulations subject to review for Special Use Permits:

GENERAL STANDARDS (LAND USE REGULATIONS):

3.3.1 *General standards.* All special uses shall comply at minimum with the following standards. Additional requirements may be made by city council to ensure compatibility of uses.

3.3.1.1 All special uses shall be subject to the general regulations of these LURs for single lot development, structures, lots, yards and vehicular use areas as well as the specific dimensional regulations for lots and structures for the zoning district in which the special use is proposed.

3.3.1.2 A landscaped separation strip of at least ten feet in width shall be provided along all property lines and along all streets serving the premises, except at approved access points.

3.3.1.3 If the use is listed as a specific use in section 4.3, the standards of that section must be met.

REVIEW CRITERIA (LAND USE REGULATIONS):

3.3.2 *Review criteria.* All special uses shall comply with and be reviewed using the following criteria to determine whether to allow the use at the proposed location and to determine appropriate conditions to the use.

3.3.2.1 The tract of land must be suitable for the type of use proposed by virtue of its location, topography, shape and the nature of surrounding development.

Staff Response: It appears that the proposed use of a sidewalk café is suitable for the subject locations.

3.3.2.2 Access points must be located so as to best suit the use and property. Wide spacing between access points and intersecting streets should be required when feasible.

Staff Response: It appears that access points will not be negatively impacted by the proposed use.

3.3.2.3 All buildings shall be located an adequate distance from property lines and streets. Setbacks in excess of those required for the specific zone may be required to lessen the effect of the use on neighboring properties.

Staff Response: No new buildings will be constructed as part of the proposed use.

3.3.2.4 Permanent screening, such as walls, fences, hedges, and other barriers, may be required to protect surrounding properties from view of the premises or noises from the use. The minimum height and other parameters of such screening may be specified.

Staff Response: Requirement cannot be met due to the existing built environment.

3.3.2.5 The following shall be considered and cited as reasons for approval or denial of the application:

a. Adequacy of ingress and egress to property and proposed structures with particular regard for automobiles and pedestrian safety and convenience, traffic generation, flow and control and emergency access.

   Staff Response: No new ingress and egress points are being proposed as part of the subject request. The applicant is also proposing a minimum of no less than 5' of traversable space on the public sidewalk.

b. Location and design of off-street parking and loading areas in regard to the items in "a." above and the smoke, noise, glare, dust, vibrations, fumes, pollution, and other effects of the use on adjoining properties.

   Staff Response: It appears that the subject request will not have any negative impacts on adjacent properties as far as smoke, glare, dust, vibrations, fumes, and pollution.

c. Location and design of refuse and service areas in regard to availability, adequacy, and effect upon surrounding properties.

   Staff Response: It appears that the subject request will not affect the location and design of existing refuse and service areas.

d. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties.

   Staff Response: It appears that the subject request will not affect or impact existing utilities.

e. Screening, buffering or separation of any nuisance or hazardous feature of the use.

   Staff Response: No screening, buffering or separation are being proposed as the area is a built environment.

f. Proposed signs and exterior lighting with reference to glare, traffic safety and compatibility and harmony with surrounding properties.

Staff Response: No new lighting or signage is being proposed as part of the subject requests. Should any lighting or signage be installed in the future, it shall be in accordance with the City of Bradenton's requirements.

g. Effect upon the value of surrounding properties; the use shall not hinder the development of nearby vacant properties or adversely affect their economic value.

Staff Response: It appears that the subject request will not adversely affect the economic value of surrounding properties.

h. Adequacy of land and/or building which are to be used.

Staff Response: It appears that the area is adequate in size for the subject request. The subject request is to ensure compliance to the Form Based Code and Land Use Regulations.

i. General compatibility or appropriateness with adjacent properties and other property in the district with special consideration given to the proposed hours of operation.

Staff Response: It appears that the proposed request is appropriate for the subject property and district.

j. Environmental quality of the district in which the use is proposed and the effect the special use permit might have on such quality.

Staff Response: It appears that there will be no negative impacts to the existing environmental quality of the district as a result of the subject request.

k. Consistency with the city's comprehensive plan.

Staff Response: It appears that the proposed sidewalk café is consistent with the Comprehensive Plan as the Comprehensive Plan encourages walkability and non-auto-oriented uses.

STAFF COMMENTS:

1. Planning Commission is encouraged to evaluate the request based on the provided criteria, as well as input from staff, the applicant, and the public.
2. It is in staff's opinion that the request is found to be consistent with the intent of Section 3.3.2.5 of the Land Use Regulations and the Design Element of the Comprehensive Plan.

Should the Planning Commission wish to recommend to City Council approval the subject request, staff recommends that the following stipulations be applied to the approval:

a. The approved Resolution, including the approved site plan and conditions shall be on display and accessible on the Property during business hours.
b. Within 30 days following the approval, the Property Owner shall execute an Indemnification Agreement in a form acceptable to the City.
c. No more than 3 tables with built-in seats (4 seats in each) may remain on the sidewalk when the business is closed.
d. Clear pedestrian access on the public sidewalk of no less than 5' shall be maintained at all times in a way that neither seating nor tables affect the ingress/egress of travel, the safety or pedestrian and traffic circulation.
e. The property/business owner shall obtain all State licenses permitting the sale of alcohol as part of the sidewalk café.
f. Any cleaning solution used to clean the sidewalk café area shall be approved by the Bradenton Public Works.
g. Any future increase in seating for the sidewalk café area shall be approved by City Council.

Respectfully submitted,

Gregory J. DeLong
Assistant Director of Planning & Community Development

EXHIBITS:

EXHIBIT "A": Location Map

EXHIBIT "B": Future Land Use Map

EXHIBIT "C": Zoning Map

EXHIBIT "D": Proposed Overall Project Site Layout

EXHIBIT "A"
Location Map

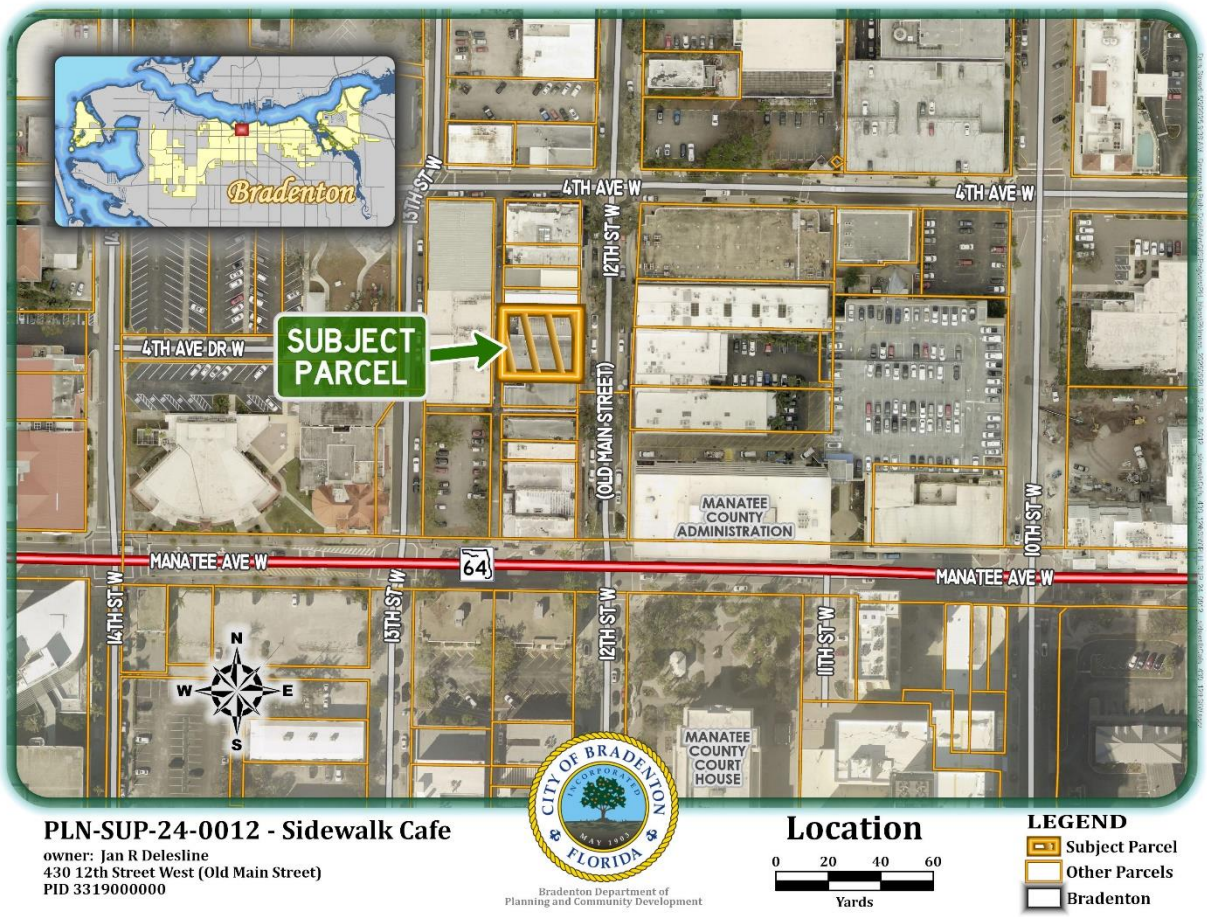


EXHIBIT "B"
Future Land Use Map

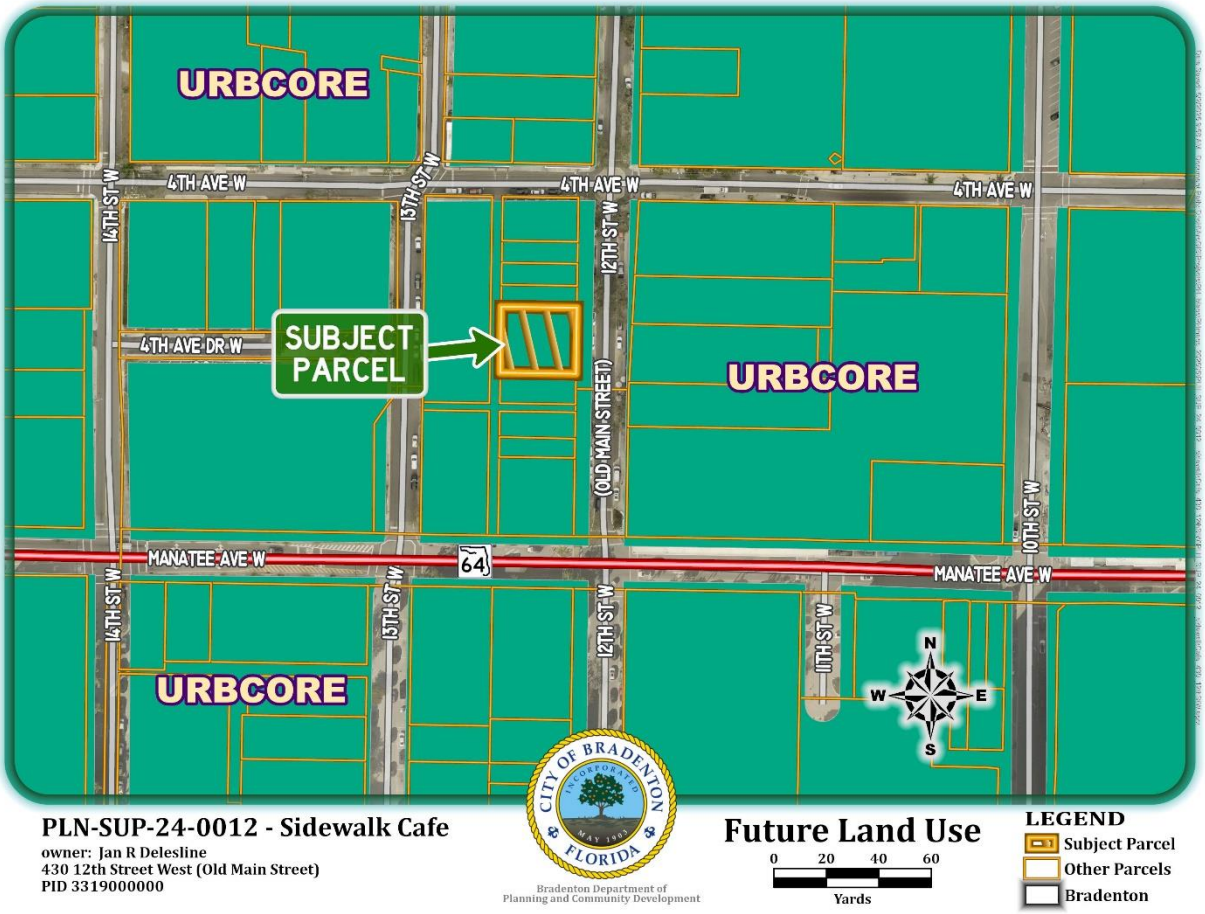


EXHIBIT "C"
Zoning Map

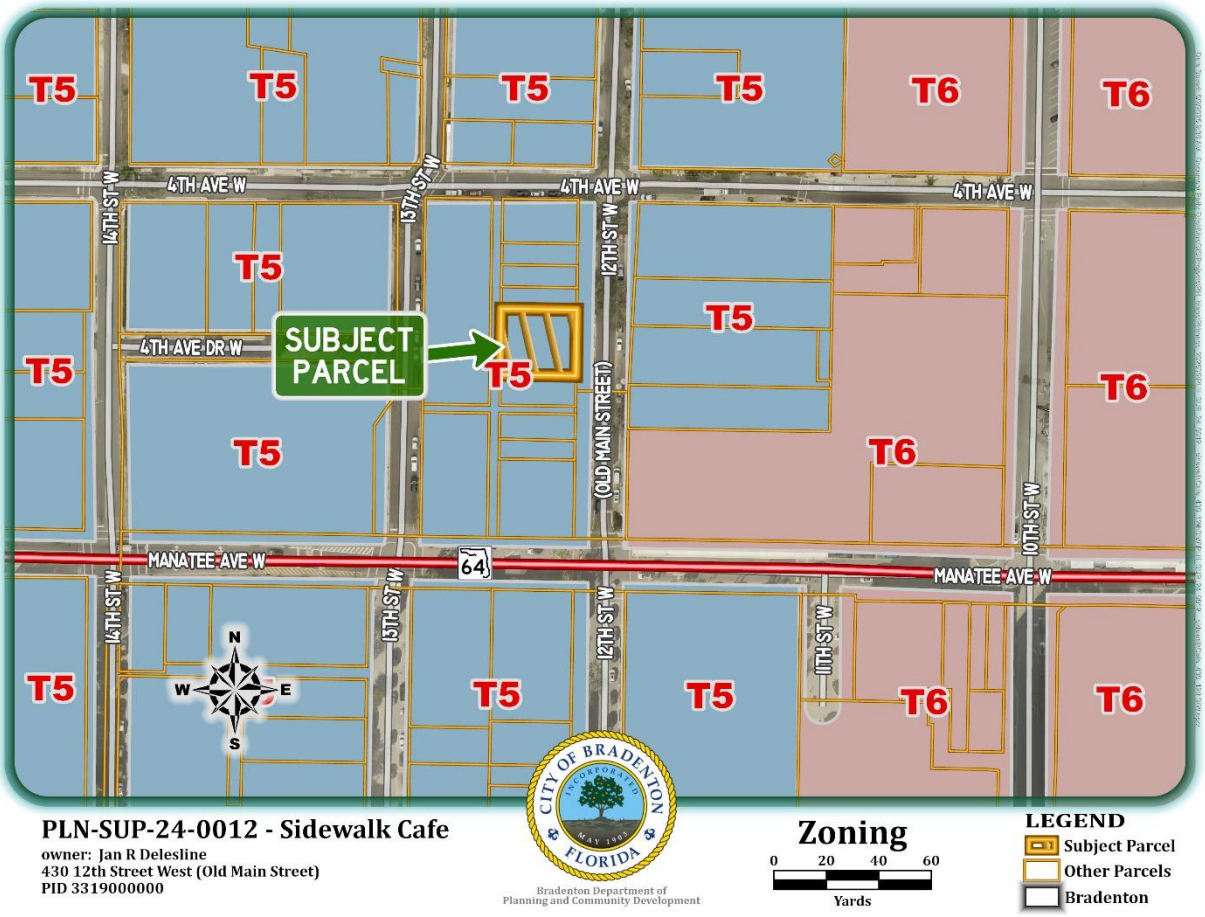
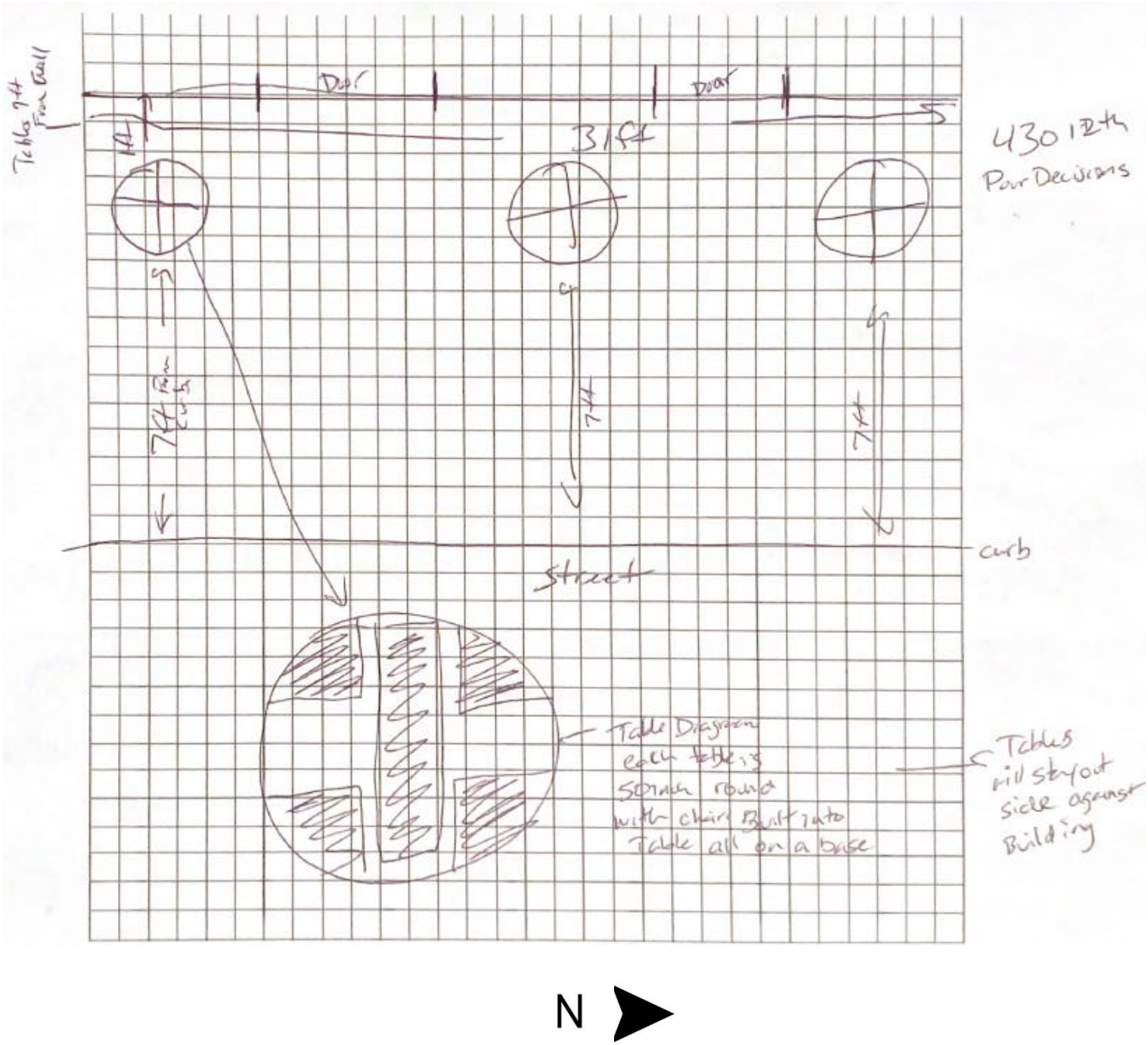


EXHIBIT "D"
Proposed Project Site Layout



AGENDA ITEM NO. 7.a

Item Cover Page

PLANNING COMMISSION MEETING AGENDA ITEM REPORT

DATE: May 21, 2025

SUBMITTED BY: Greg DeLong, Planning & Community Development

ITEM TYPE: Miscellaneous

AGENDA SECTION: **DISCUSSION ITEMS**

SUBJECT: Discussion on approach to potential updates to the Land Use Regulations and the Form Based Code.

SUGGESTED ACTION:

Is this item Quasi-Judicial?
No

Does this item require a public hearing?
No

ATTACHMENTS:

AGENDA ITEM NO. 8.a

Item Cover Page

PLANNING COMMISSION MEETING AGENDA ITEM REPORT

DATE: May 21, 2025

SUBMITTED BY: Greg DeLong, Planning & Community Development

ITEM TYPE: Miscellaneous

AGENDA SECTION: **DIRECTOR'S REPORT**

SUBJECT: Introduction of new City Planner; Corey Holycross.

SUGGESTED ACTION:

Is this item Quasi-Judicial?
No

Does this item require a public hearing?
No

ATTACHMENTS:

AGENDA ITEM NO. 9.a

Item Cover Page

PLANNING COMMISSION MEETING AGENDA ITEM REPORT

DATE: May 21, 2025

SUBMITTED BY: Greg DeLong, Planning & Community Development

ITEM TYPE: Miscellaneous

AGENDA SECTION: **ANNOUNCEMENT OF CITY COUNCIL PUBLIC HEARING DATES**

SUBJECT:

May 14, 2025:

- Resolution 25-38 - Special Use Permit for a Club (Event Center) at 1710 Manatee Ave. E.
- Resolution 25-40 - Special Use Permit for a Sidewalk Cafe with Alcoholic Beverages at 1166 3rd Ave. W.
- Resolution 25-41 - Special Use Permit for a Sidewalk Cafe with Alcoholic Beverages at 450 12th St. W.
- Ordinance 4059 - Text Amendment to the LURs related to docks in the UV zoning district (First Reading)

May 28, 2025:

- Ordinance 4059 - Text Amendment to the LURs related to docks in the UV zoning district (Second Reading/Public Hearing)

June 11, 2025: Items from the May 21, 2025, Planning Commission meeting.

- Resolution 25-57 - Special Use Permit for a Sidewalk Cafe with Alcoholic Beverages at 440 12th St. W.
- Resolution 25-58 - Special Use Permit for a Sidewalk Cafe with Alcoholic Beverages at 313 12th St. W.
- Resolution 25-59 - Special Use Permit for a Sidewalk Cafe with Alcoholic Beverages at 436 12th St. W.

- Resolution 25-60 - Special Use Permit for a Sidewalk Cafe with Alcoholic Beverages at 430 12th St. W.

SUGGESTED ACTION:

Is this item Quasi-Judicial?
No

Does this item require a public hearing?
No

ATTACHMENTS: